

tence for each \$50,000 misused, misappropriated or disposed of unlawfully.

Patron - Hurt

HB2688 Subsequent offenses of stalking. Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

Patron - Pollard

HB2701 Photographs of undergarments, etc., without consent; penalty. Provides that the creation of a videotape, photograph, film or videographic or still image record created by placing the lens or image-gathering component of a recording device in a position to capture an image of the person's undergarments, genitals, pubic area or buttocks when the undergarments, genitals, pubic area or buttocks would not otherwise be visible is punishable as a Class 1 misdemeanor. This bill has been incorporated into HB 1741.

Patron - Sickles

HB2704 Firearm eligibility check; penalty. Permits an individual to request that the State Police check to see if the individual is eligible to possess or transport a firearm under state and federal law, upon submission of a completed, notarized application with the information required to be submitted for a firearms purchase, and a fee not to exceed \$20. The eligibility check would allow a person to determine if he were eligible to possess a firearm outside of the context of a firearms purchase, when the eligibility check is usually performed. The Department must notify the applicant by mail that he is "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed." No person or agency may require or request an individual to obtain a firearms check, and a violation of this provision is a Class 1 misdemeanor. The firearms eligibility check does not substitute for a background check performed pursuant to state and federal law at the time of purchase of a firearm.

Patron - Sickles

HB2707 Concealed handgun permits; firearm safety courses. Amends the requirements for courses that concealed handgun permit applicants may take to demonstrate competence with a handgun, to require that such courses include instruction concerning proper handgun storage practices, as well as the laws relating to weapons and the use of deadly force. This bill incorporates HB 2712.

Patron - Sickles

HB2712 Concealed handgun permits; firearm safety courses. Amends the requirements for courses that concealed handgun permit applicants may take to demonstrate competence with a handgun to require that such courses include instruction specific to handgun safety and the laws of the Commonwealth relating to the carrying and use of handguns. This bill has been incorporated into HB 2707.

Patron - Morgan

HB2764 Possession of firearms on school property; firearms in vehicles. Amends the exemption allowing unloaded firearms in closed containers in vehicles, and rifles and shotguns in firearm racks in vehicles to apply only to teachers and employees of the school who have obtained prior written approval of the principal to bring the firearm onto school property, and to students who have filed a written parental consent form allowing the student to bring the firearm

onto school property. In the case of the student, the principal would also have to provide written approval, the student would be required to possess a valid Virginia hunting license, and the exemption would only apply during hunting season.

Patron - Dillard

HB2830 Issuing bad checks in payment of rent; penalty. Provides that any person making, drawing, uttering, or delivering a fraudulent check, draft, or order in payment of rent to a landlord pursuant to a lease agreement within the purview of Chapter 13 or Chapter 13.2 of Title 55 is guilty of larceny.

Patron - Nutter

HB2835 Firearm eligibility check; penalty. Permits an individual to request that the State Police check to see if the individual is eligible to possess or transport a firearm under state and federal law, upon submission of a completed, notarized application with the information required to be submitted for a firearms purchase, and a fee not to exceed \$20. The eligibility check would allow a person to determine if he were eligible to possess a firearm outside of the context of a firearms purchase, when the eligibility check is usually performed. The Department must notify the applicant by mail that he is "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed." No person or agency may require or request an individual to obtain a firearms check, and a violation of this provision is a Class 1 misdemeanor. The firearms eligibility check does not substitute for a background check performed pursuant to state and federal law at the time of purchase of a firearm.

Patron - Sherwood

HB2855 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Amundson

HB2897 Possession of weapons at public institutions of higher education. Allows the governing body of a public institution of higher education to establish rules and regulations concerning the possession of certain weapons, including firearms, on the institution's property. The rules and regulations may not be more restrictive than the provisions set forth in § 18.2-308.1 prohibiting the possession of weapons at primary and secondary schools and must include the exemptions set forth in that section.

Patron - Eisenberg

HB2900 Retired law-enforcement officers; federal Law Enforcement Officers Safety Act. Provides that a valid concealed handgun permit issued to a law-enforcement officer following at least 15 years of service in the Commonwealth shall satisfy the training and qualification standards set forth in the federal Law Enforcement Officers Safety Act. A retired law-enforcement officer shall be entitled to renew his concealed handgun permit annually, as the provisions of the federal act require that the training and qualification standards be certified annually. Finally, the bill provides that a retired law-enforcement officer shall not have to pay a fee for the annual renewal.

Patron - Athey

[F]HB2932 Videotape statements admissible for certain crimes against children. Provides that when a child is the victim of criminal abuse and neglect, his testimony may be offered at trial via videotaped statement, provided the child victim is age 12 or younger at the time the testimony is offered, and provided the testimony meets certain trustworthiness and reliability criteria.

Patron - Bell

[F]HB2935 Firearms; carrying at Capitol Square. Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on Capitol Square. For purposes of this section, Capitol Square means the grounds in that area of the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the interior of the State Capitol and the General Assembly Building. The bill also states that this section shall not be construed to prohibit the lawful possession of a firearm on other public property where such carrying is not specifically prohibited by law.

Patron - Cline

[F]SB456 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Whipple

[F]SB743 Guns in child day centers; penalty. Extends the penalties for carrying a gun or other weapon on school property to child day centers.

Patron - Miller

[F]SB807 Transfer of firearms; criminal records check; penalties. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check.

Patron - Marsh

[F]SB833 False report to law-enforcement; penalty. Provides that it is a Class 6 felony to make a false police report alleging commission of certain violent crimes and naming a specific suspect. The bill also requires that a person convicted of making such a report must pay for the ensuing police investigation unless the court orders community service in lieu of monetary payment.

Patron - Mims

[F]SB850 Firearms; carrying on public property. Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law.

Patron - Cuccinelli

[F]SB865 Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute cocaine; penalties. Provides that any person who manufactures, sells, gives, distributes, or possesses cocaine with intent to manufacture, sell, give, or distribute it shall, in addition to any other punishment provided therefor, receive a mandatory minimum term of imprisonment of five years for a first offense. Upon a second or subsequent conviction of such a violation, the person shall receive a mandatory minimum term of

imprisonment of 15 years and, upon a third conviction of such a violation, he shall be guilty of a Class 1 felony.

Patron - Reynolds

[F]SB1077 Crimes against nature. Decriminalizes certain carnal knowledge.

Patron - Ticer

[F]SB1078 Elimination of capital punishment for minors. Restricts the death penalty to those who are 18 years of age or older at the time of the capital offense. Currently, the age is 16 or older at the time of the offense.

Patron - Ticer

[F]SB1120 Carrying concealed handguns; penalty. Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable, if approached, and he secures the firearm at the officer's request or allows the officer to secure the weapon.

Patron - Obenshain

[F]SB1169 Sex offenses with a minor. Clarifies that it is a Class 5 felony to use a communication system to accost, entice, or solicit a minor to produce child pornography.

Patron - Stolle

[F]SB1179 Auto theft; penalty. Provides that theft of a motor vehicle is grand larceny regardless of the value of the motor vehicle. Under current law theft of a motor vehicle valued under \$200 would be petit larceny.

Patron - Rerras

[F]SB1222 Abuse and neglect of incapacitated adults; penalty. Provides that abuse of an incapacitated adult that results in death is punishable as a Class 4 felony. Currently, only serious bodily injury or disease resulting from abuse is punishable as such.

Patron - Puckett

[F]SB1266 Concealed handgun permits; persons disqualified. Revises provision that an individual is disqualified from obtaining a handgun permit upon a sworn, written statement of the sheriff, chief of police, or attorney for the Commonwealth that the applicant is likely to use a weapon unlawfully or negligently to endanger others, to provide that disqualification occurs upon such statement only if the court bases its decision on clear and convincing evidence of particular acts by the applicant within the three-year period immediately preceding the application.

Patron - Cuccinelli

[F]SB1343 Possession of weapons at public institutions of higher education. Allows the governing body of a public institution of higher education to establish rules and regulations concerning the possession of certain weapons, including firearms, on the institution's property. The rules and regulations may not be more restrictive than the provisions set forth in § 18.2-308.1 prohibiting the possession of weapons at primary and secondary schools and must include the exemptions set forth in that section.

Patron - Lambert

Criminal Procedure

Passed

HB1542 Release of a sex offender on bail. Extends the presumption against bail to situations where a person is arrested for a sex offense enumerated in § 18.2-67.5:2 and the person had previously been convicted of an offense that is substantially similar to one listed in § 18.2-67.5:2 under the laws of another state or the United States. Current law does not specify that an offense in another jurisdiction creates the same presumption as an enumerated Virginia offense.

Patron - Black

HB1666 Conservators of the peace. Provides that attorneys for the Commonwealth are conservators of the peace.

Patron - Lingamfelter

HB1676 Free criminal history check for a Crime Stoppers, Crime Solvers or a Crime Line program board member. Provides that any board member or any person who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program shall not be required to pay for a criminal history records check for appointment to such a board.

Patron - Cosgrove

HB1812 Execution of pregnant inmate. Requires the Department of Corrections to promulgate regulations assuring that no inmate will be executed while she is pregnant.

Patron - Marshall, R.G.

HB1977 Defense objections; criminal appeals by the Commonwealth. Requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial or at such time prior to trial as the grounds for the motion or objection arose, whichever occurs last. The bill also provides that in a felony case, a pretrial appeal from a circuit court may be taken by the Commonwealth from an order of a circuit court dismissing a warrant, information or indictment or any count or charge thereof, on the ground that the speedy trial statute was violated or that the defendant was subjected to double jeopardy. This bill is identical to SB 1177 and incorporates HB 2778 and HB 2813.

Patron - Janis

HB2006 Criminal procedure; when interest is paid on an award of restitution. Provides that interest on an award of restitution runs from the date of the loss or damage unless the court specifically orders interest to run from a different date. This bill is identical to SB 695.

Patron - Armstrong

HB2114 Detention center incarceration. Provides that a sentence to a Detention Center Incarceration Program shall not be in addition to an active sentence to a state correctional facility. This bill is identical to SB 1168.

Patron - Kilgore

HB2118 Blood alcohol tests in civil cases; admissibility of written reports or records. Makes the written reports or records of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room admissible in evidence in any civil proceeding as a business records exception to the hearsay rule.† The reports or records may be disclosed in accordance with federal regulations, without consent or authorization. The protections against civil lia-

bility for those taking blood and conducting tests now applicable in criminal proceedings are extended to civil proceedings. This bill incorporates HB 2319.

Patron - Ware, O.

HB2301 Criminal history record information. Allows a person, who has applied to be a volunteer with the council of the Girl Scouts of the USA or the Boy Scouts of America serving troops in Virginia, to receive his own criminal history information at no charge. The bill will not become effective unless an appropriation of funds effectuating the purposes of the bill is included in the general appropriation act.

Patron - Fralin

HB2305 Indigent Defense Commission; membership and dual office holding. Provides that if the chairman of the Virginia State Crime Commission is (i) the chairman of the House Committee for Courts of Justice, then the vice chairman of the Committee shall serve in the position designated for the Committee chairman or (ii) the chairman of the Senate Committee for Courts of Justice, then the Senate Committee on Rules, upon the recommendation of the chairman of the Committee, shall appoint a member of the Committee to serve in the position designated for the Committee chairman.

Patron - McDougle

HB2315 Remission of forfeited bond. Provides that if it is brought to the attention of the court that a defendant who has defaulted on his bond is incarcerated in another state or country within 48 months of the finding of default, thereby preventing his delivery or appearance within that period, the court shall remit any bond previously ordered forfeited. The current period is 12 months.

Patron - Griffith

HB2628 Delayed criminal appeal. Sets out a procedure for a defendant to move for leave to pursue a delayed appeal from circuit court to the Court of Appeals and from the Court of Appeals to the Supreme Court when an appeal in a criminal case was never initiated or was dismissed for failure to adhere to proper form, procedures and time limits due to error, neglect, or fault of counsel representing the appellant, or of the court reporter, or of the court or an officer or employee of the court. The motion must be made within six months of dismissal or of the lower court judgment.

Patron - Albo

HB2632 Criminal procedure; Criminal Records Exchange. Requires, as of January 1, 2006, the law-enforcement agency making a report to the Exchange to include within its report, along with the fingerprints, a photograph of the individual arrested. The State Police and local law enforcement are required to establish written procedures for conducting in-person and photographic lineups. This bill is identical to SB 1164.

Patron - Moran

HB2647 Availability of presentence report to defendant. Allows counsel for the accused to provide the accused with his presentence report. This bill is identical to SB 910.

Patron - Hurt

HB2649 Virginia Criminal Sentencing Commission; membership. Requires that the current composition of the Commission include the chairmen of the Committees for Courts of Justice or their designees.

Patron - Hurt

HB2663 Speedy trial. Provides that an arrest on an indictment, warrant, information or presentment is deemed to

occur only when the summons or capias is served and executed on the accused and that the lodging of a detainer does not constitute an arrest. The bill also provides for tolling of the speedy trial statute upon the occurrence of a natural disaster, civil disorders, or act of God. This bill incorporates HB 1858, HB 1976, and HB 2306.

Patron - McDonnell

[P]HB2678 Criminal cases; mental health reports. Provides that in any criminal case where the defendant's sanity is in issue and defendant obtains his own expert to evaluate him, the expert shall prepare a full report and shall provide it to the attorney for the Commonwealth.

Patron - Lingamfelter

[P]HB2808 Arrest upon a misdemeanor capias. Provides that when a law-enforcement officer makes an arrest upon a misdemeanor capias, it is not necessary that he have the capias in his possession.

Patron - Scott, E.T.

[P]HB2869 Location and jurisdiction of wiretaps. Redefines jurisdiction for the purposes of electronic or wire interceptions to provide that such communications shall be deemed to be intercepted in the jurisdiction where the order is entered, regardless of the physical location or the method by which the communication is captured or routed to the monitoring location. The bill also provides that an application for an ex parte order authorizing that a pen register or trap and trace device may be filed in the jurisdiction where the person or persons who subscribe to the communication system live, work, or maintain an address and that such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured.

Patron - Weatherholtz

[P]HB2920 Diversion center incarceration program. Provides that participation in a diversion center incarceration program shall not be imposed in addition to an active sentence to a state correctional facility.

Patron - Kilgore

[P]SB695 Criminal procedure; when interest is paid on an award of restitution. Provides that interest on an award of restitution runs from the date of the loss or damage unless the court specifically orders interest to run from a different date. This bill is identical to HB 2006.

Patron - Reynolds

[P]SB895 Criminal procedure; national criminal background checks by businesses and organizations providing care to children, the elderly and disabled. Provides that only one set of fingerprints needs to be provided by the prospective employee of a business or organization providing care to children, the elderly or disabled as part of such entity's request for a national criminal background check on the prospective employee. Currently, two sets are required; however, electronic reproduction eliminates the need for two sets.

Patron - Ticer

[P]SB910 Availability of presentence report to defendant. Allows counsel for the accused to provide the accused with his presentence report. This bill is identical to HB 2647.

Patron - Norment

[P]SB1013 Special conservators of the peace. Clarifies that individuals who qualify as special conservators of the peace, who meet certain training requirements, and who are employed by an agency that meets the definition of a private

corporate criminal justice agency are exempt from registration and bonding requirements for special conservators of the peace. The bill also permits one judge to approve for all jurisdictions wherein a corporate applicant holds title to real property the appointment of such individual as a special conservator of the peace.

Patron - Hanger

[P]SB1084 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card. This bill incorporates SB 1101.

Patron - Ticer

[P]SB1131 Criminal Injuries Compensation Fund. Increases the maximum funeral payout from \$3,500 to \$5,000, reconciles inconsistent language in the definition of victim, specifies that the lack of a restitution order does not preclude the Fund from exercising its subrogation rights, provides that upon the filing of a claim, health care providers are prohibited from undertaking debt collection activities until an award is issued or determined to be noncompensable, and allows the Fund access to juvenile records in certain instances.

Patron - Howell

[P]SB1164 Criminal procedure; criminal records exchange. Requires, as of January 1, 2006, the law-enforcement agency making a report to the exchange to include within its report, along with the fingerprints, a photograph of the individual arrested. The State Police and local law enforcement are required to establish written procedures for conducting in-person and photographic lineups. This bill is identical to HB 2632.

Patron - Stolle

[P]SB1165 Virginia Indigent Defense Commission; powers and duties. Requires the Commission to report periodically to the Virginia State Crime Commission and the courts committees and money committees of the House and Senate on the caseload of each public defender office.

Patron - Stolle

[P]SB1168 Detention center incarceration. Provides that a sentence to a Detention Center Incarceration Program shall not be imposed as an addition to an active sentence to a state correctional facility. This bill is identical to HB 2114.

Patron - Stolle

[P]SB1177 Defense objections; criminal appeals by the Commonwealth. Requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial or at such time prior to trial as the grounds for the motion or objection arose, whichever occurs last. The bill also provides that in a felony case, a pretrial appeal from a circuit court may be taken by the Commonwealth from an order of a circuit court dismissing a warrant, information or indictment or any count or charge thereof, on the ground that the speedy trial statute was violated or that the defendant was subjected to double jeopardy. This bill is identical to HB 1977.

Patron - Obenshain

Failed

[F]HB1511 Admission into evidence of affidavit of chain of custody. Provides that in any hearing or trial of any criminal offense or drug forfeiture proceeding, an affidavit of any law-enforcement officer attesting to chain of custody of any physical evidence taken into possession by him and delivered to the possession of another shall, without objection by

counsel of record for the accused, be admissible in evidence as evidence of the facts therein stated.

Patron - Cosgrove

[F]HB1516 Criminal procedure; compensation for court-appointed counsel. Increases by approximately 20 percent the compensation allowed to court-appointed counsel (i) in district court and (ii) in circuit court for noncapital felonies. This bill has been incorporated into HB 1596.

Patron - Reese

[F]HB1584 Accused to pay no costs for certain expungements. Provides that the petitioner shall incur no costs when an expungement of an accused's criminal record is ordered pursuant to an acquittal or an absolute pardon for the commission of a crime for which the accused was unjustly convicted or when the charge is dismissed with prejudice or the Commonwealth takes a nolle prosequi.

Patron - Reese

[F]HB1596 Criminal procedure; compensation for court-appointed counsel. Increases by 50 percent the compensation allowed to court-appointed counsel in the district court and circuit court. The changes shall become effective only if sufficient funds are appropriated by the 2005 General Assembly. This bill incorporates HB 1516.

Patron - Black

[F]HB1619 Multijurisdiction grand jury may investigate robbery. Includes robbery within the ambit of the multijurisdiction grand jury's investigative functions.

Patron - Janis

[F]HB1639 DNA analysis after arrest for solicitation of prostitution. Requires that a person arrested for solicitation of prostitution or a drug offense have his DNA analyzed.

Patron - Miles

[F]HB1799 Dissemination of criminal history record information. Provides that a person may request a copy of his criminal history record information be sent to another, at the cost of the requester.

Patron - Albo

[F]HB1805 The Freedom Restoration Act; post-conviction relief. Amends provisions added to the Code during the 2004 General Assembly Session regarding writs of actual innocence based on non-biological evidence by removing the provision that the petitioner must have pled not guilty, the limit of one writ per conviction and the requirement that the evidence was previously unknown or unavailable to the petitioner or his trial attorney at the time the conviction became final. The bill allows the writ if the reason the evidence was not obtained was because of the failure of trial counsel to exercise due diligence, and changes the standard for issuance of the writ to substantial doubt about the petitioner's guilt. The circuit court may order an evidentiary hearing if necessary for the petitioner to develop additional facts.

Patron - Marshall, R.G.

[F]HB1837 Criminal procedure; authority of law-enforcement officers to arrest illegal aliens. Makes it easier for a law-enforcement officer to arrest an illegal alien by eliminating the requirement that the officer confirm, prior to such arrest, whether the alien has previously been deported or left the United States after the conviction of a felony.

Patron - Parrish

[F]HB1858 Speedy trial deadline extended. Provides that the time limitation for a speedy trial is tolled during the

period when the accused is inextricably involved in a trial in another jurisdiction. This bill has been incorporated into HB 2663.

Patron - Shannon

[F]HB1869 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card.

Patron - Brink

[F]HB1873 Graffiti; multijurisdiction grand jury. Allows for the use of multijurisdiction grand jury to investigate graffiti violations.

Patron - McDougle

[F]HB1976 What constitutes arrest for purposes of compliance with speedy trial act. For the purposes of speedy trial determination, an arrest of the accused to be tried on an indictment, warrant, information or presentment is deemed to have occurred only when the summons or capias to answer such process is actually served and executed upon the accused, and the lodging of a detainer or its equivalent shall not constitute an arrest. This bill has been incorporated into HB 2663.

Patron - Janis

[F]HB1986 Who may conduct mental evaluation of a person convicted of a sexually abnormal offense. Provides that a judge may order a defendant who is charged with a sexually abnormal offense to be examined by at least one psychiatrist or clinical psychologist or other duly licensed mental health professional who is qualified by specialized training and experience to perform such evaluations. Currently, the evaluation would have to be performed by a psychiatrist or psychologist only.

Patron - Griffith

[F]HB1987 Presentence interviews by probation officers. Provides that if, during the course of and as a part of a presentence investigation of a convicted defendant, the probation officer or his agent conducts an interview of the defendant, the defendant shall have the right to have his attorney present.

Patron - Griffith

[F]HB2046 Criminal history record information for employment in proximity to minors; penalty. Disqualifies from employment in proximity to minors any person who has a criminal history relating to crimes against minors or crimes that could endanger minors.

Patron - Hamilton

[F]HB2089 Procedures upon a sex offender's failure to register or reregister. Provides that the State Police and any local law-enforcement agency may enter into a cooperative agreement whereby the agencies may together conduct investigations of violations of a sex offender's duty to register. The State Police and the local law-enforcement agency may, as a part of this agreement, provide that the local agency may seek an arrest warrant for an individual believed to be in violation of this section.

Patron - Shannon

[F]HB2117 Bail bondsmen; equity ratio of property and outstanding bonds; time within which to produce defendant. Allows a bail bondsman to write bonds up to four times the value of his financial holdings (current law requires a 1:1 ratio), and provides that no single bond shall represent more than 25 percent of his collateral. This bill incorporates HB 2314.

Patron - Ware, O.

[F]HB2126 High-speed pursuit policy. Provides that on and after January 1, 2006, every law-enforcement agency in the Commonwealth that is or may be engaged in emergency response and vehicle pursuits shall adopt a written policy that sets forth the manner in which such operations shall be conducted. Establishes as required components that (i) there exists a clear and present danger to the public, law-enforcement, and public safety officials; (ii) the fugitive must be suspected of having committed a violent felony, or having used a firearm in the commission of a crime; (iii) the pursuing law-enforcement officers shall have received training in high-speed pursuits; and (iv) the pursuing law-enforcement officers shall maintain constant contact with the radio dispatcher.

Patron - Eisenberg

[F]HB2201 Expungement following a deferred disposition. Specifically allows for expungement of a criminal record when a court defers disposition of a case upon a plea of not guilty and then dismisses the charges upon completion of terms and conditions imposed.

Patron - Marrs

[F]HB2258 Process for issuance of search and arrest warrants. Provides that a person who seeks an arrest or a search warrant may confer with the issuing officer by telephone or radio prior to appearing before the issuing officer for a preliminary determination from the officer as to the sufficiency of probable cause for the warrant.

Patron - Bell

[F]HB2264 Alternative means of introducing defendant's criminal history. Provides that the Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce evidence of the defendant's prior criminal convictions and may, if the defendant does not object seven or more days prior to trial, present such notice at the trial as evidence of the defendant's prior convictions in lieu of certified, attested or exemplified copies of the record of convictions. Currently only the attested or exemplified copies of the record of convictions are admissible at the sentencing proceeding.

Patron - Bell

[F]HB2306 Speedy trial deadline extended. Provides that the time limitation for a speedy trial is tolled (i) during the period of a natural disaster, civil disorder, strike, or act of God requiring that the courthouse be closed or (ii) for good cause shown why trial should not go forward as scheduled. This bill has been incorporated into HB 2663.

Patron - McDougale

[F]HB2313 Release on bond while already on bond. Provides that any person arrested for a felony who is presently on secured bond for an unrelated arrest may be released only upon a secure bond in an amount equal to or greater than the existing bond. The bill also provides that this subsequent bond requirement may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town if, prior to the waiver, the judicial officer or his designee gives the bail bondsman, or other person who served as surety on any secure bond existing at the time of the felony arrest, actual notice of the waiver and an opportunity to arrest the person and revoke the original bond. Currently, because there is no requirement that the second bond be as much as the first or that the judicial officer give notice of waiver, the original bondsman may be at risk for the original secured bond when the arrestee faces his second charge and the judicial officer waives a secured bond.

Patron - Griffith

[F]HB2314 Maximum allowable bonds by property bail bondsman. Allows a property bail bondsman to issue bonds in an amount not to exceed four times his collateral in real estate. This bill has been incorporated into HB 2117.

Patron - Griffith

[F]HB2319 Admissibility of written results of blood alcohol tests in civil cases. Provides that the written results of blood alcohol tests conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence under the business records exception to the hearsay rule in any civil proceeding. This bill has been incorporated into HB 2118.

Patron - Griffith

[F]HB2328 Criminal procedure; reports by Chief Medical Examiner received as evidence. Allows certified reports and records of the Chief Medical Examiner to be received in preliminary hearings in criminal cases as evidence of the facts therein stated. This eliminates the need of a doctor from the Medical Examiner's office to attend the hearing and testify to what is included within the reports and records. This bill is intended to vitiate the ruling in *Ward v. Commonwealth*, 216 Va. 177 (1975), but only as it relates to preliminary hearings.

Patron - Athey

[F]HB2353 Facial recognition technology; court order. Prohibits a locality or law-enforcement agency from utilizing facial recognition technology absent a court order authorizing use of such technology. The bill sets forth the procedures for applying for an order, and the information that such an order must contain.

Patron - Griffith

[F]HB2528 Regional appellate public defender office. Includes a pilot regional appellate office within the Chesapeake Public Defender's Office.

Patron - Melvin

[F]HB2643 Bail; admission. Includes within the list of crimes for which there is a rebuttable presumption against bail, aggravated sexual battery and taking indecent liberties with a child. The bill also enumerates within the same provision certain sections that currently are included by reference.

Patron - Hurt

[F]HB2773 Capital murder cases; sentencing, motions and appeals. Removes the "default" life sentence in the event a jury cannot agree on the sentence in a capital case and provides for the empanelment of a different jury for ascertaining punishment, or for sentencing by the judge upon agreement of all parties. The bill also requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial and that all parties, not just the accused as under current law, must agree in order to waive the provision that a hearing on defense objections be held at least three days before trial. The bill provides that the Commonwealth may appeal on speedy trial or double jeopardy grounds. Currently, such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional.

Patron - Bell

[F]HB2778 Appeal by the Commonwealth. The bill provides that the Commonwealth may appeal on speedy trial grounds. Currently, such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional. This bill has been incorporated into HB 1977.

Patron - Moran

[F]HB2813 Speedy trial and double jeopardy; motions and appeals. Requires defense pretrial suppression motions and objections on speedy trial or double jeopardy grounds to be filed in writing at least seven days before trial. The bill also provides that the Commonwealth may file a pre-trial appeal on a dismissal of a criminal case on speedy trial or double jeopardy grounds. Currently such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional. This bill has been incorporated into HB 1977.
Patron - McDonnell

[F]HB2814 Compensation of court-appointed counsel. Provides that a court, for good cause shown, may increase the compensation of court-appointed counsel defending (i) a juvenile charged with an offense that if committed by an adult would carry a punishment of more than 20 years, or (ii) a person charged with a felony that carries a punishment of more than 20 years.
Patron - McDonnell

[F]SB714 Mentally ill defendants; technical changes. Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others."
Patron - Edwards

[F]SB808 Human biological evidence. Requires the Division of Forensic Science to store, preserve, and retain all biological evidence that is in its possession on July 1, 2005, and to develop an inventory of the evidence.
Patron - Marsh

[F]SB834 Appointment of magistrates. Provides that a retired magistrate is eligible to serve as a substitute magistrate.
Patron - Mims

[F]SB863 Forfeiture of property. Allows alternative property to be seized in cases where a defendant's property is to be seized because of terrorism, money laundering or drug trafficking and the property originally designated for seizure is no longer available because of certain acts or omissions of the defendant.
Patron - Howell

[F]SB908 Chain of custody form. Provides that a chain of custody form attested to by the employee of a law-enforcement agency responsible for the custody of physical evidence is prima facie evidence of the chain of custody.
Patron - Norment

[F]SB914 Post-conviction relief. Amends provisions added to the Code during the 2004 General Assembly Session regarding writs of actual innocence based on non-biological evidence by removing the limit of one writ per conviction.
Patron - Marsh

[F]SB915 Death penalty; moratorium on executions. Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.
Patron - Marsh

[F]SB986 Sentencing guideline point enhancements for certain firearm crimes in certain localities. Provides that when the discretionary guidelines worksheets are prepared for cases in which the primary offense is murder, robbery, or

assault and any such offense is committed with or attempted with a firearm, the guidelines worksheets shall be amended to allow for additional punishment for any locality in which certain criteria are met.

Patron - Watkins

[F]SB1020 Arrest on summons. Expands circumstances under which a law-enforcement officer may transform an arrest on a summons to a full custodial arrest (including a search) to include a reasonable belief that the person will flee or attempt to flee, illegally possesses a firearm, or is illegally concealing a weapon.

Patron - Mims

[F]SB1021 Foreign orders; records from electronic communication service providers. Requires providers of electronic communication services or remote computing services in the Commonwealth to comply with search warrants issued in other states as if they were issued in Virginia.

Patron - Mims

[F]SB1022 Witnesses in criminal trial. Allows the attorney for the Commonwealth to designate, in felony cases, one investigative law-enforcement official who may remain in the courtroom, unless the court determines that his presence would impair the conduct of a fair trial.

Patron - Mims

[F]SB1101 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card. This bill has been incorporated into SB 1084.

Patron - Whipple

[F]SB1155 Sentencing guidelines for revocation of suspension of sentence or probation in felony cases. Directs the use of sentencing guidelines in revocation hearings for revocation of sentence suspension or revocation of probation where the initial sentencing was for a felony violation.

Patron - Stolle

[F]SB1207 Suspected criminal behavior; penalty. Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity.

Patron - Mims

[F]SB1280 Child sex abuse crimes. Allows evidence of the defendant's prior conviction of child sexual abuse crimes in a case where he is accused of child sexual abuse.

Patron - Edwards

[F]SB1302 Expungement of police and court records. Provides that a convicted person who has had his civil rights restored, including his right to vote, has maintained exemplary citizenship for at least 15 years, has satisfied any and all terms and conditions of probation and parole, and has no other criminal conviction in any jurisdiction may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

Patron - Watkins

Domestic Relations

Passed

[P]HB1988 Child support arrearages; attorneys' fees; retention by Department of Social Services. Provides

that a court may order that judgments for support arrearages equal to or greater than three months of support and maintenance include reasonable attorneys' fees. The Department of Social Services is authorized to retain any attorneys' fees it collects in a special fund dedicated to the support of the Division of Support Enforcement.

Patron - Griffith

[P]SB1019 Confidential information in divorce cases; separate addendums. Requires that the record of any divorce suit not contain the social security number of any party or of any minor child, or any financial information. If such information must be provided to a government agency or recorded for the benefit of the parties, it shall be contained in a separate addendum. The addendum can be used to distribute the information as required by law but shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow.

Patron - Mims

[P]SB1040 Uniform Interstate Family Support Act (UIFSA). Updates the Act, which Virginia adopted in 1994 to replace the Uniform Reciprocal Enforcement of Support Act, by making most of the amendments proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2001 to clarify UIFSA and reflect changes in federal law. The purpose of UIFSA is to limit modification of child support orders to a single state to reduce the number of interstate jurisdictional disputes. Except in narrowly defined circumstances, the only state able to modify a support order is the one that continues to have exclusive jurisdiction over the matter. The definition of "state" is expanded to allow other countries to have their orders enforced in the United States. An individual state can arrange with a foreign country for reciprocal enforcement of child support.

Patron - Quayle

Failed

[F]HB1633 Domestic relations; Affirmation of Marriage Act. Repeals the statute that states: that a civil union, partnership contract, or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited; that such an arrangement entered into in another state or jurisdiction is void in Virginia; and that any contractual rights created thereby are void and unenforceable.

Patron - Van Yahres

[F]HB1737 Felony to fail to pay child support. Provides that any person who fails to pay child support for his or her child under the age of 18, or child of whatever age who is disabled or otherwise incapacitated from earning a living, when the amount of arrearage accruing on and after July 1, 2005, exceeds \$25,000 of child support ordered by a court, is guilty of a Class 6 felony.

Patron - Cosgrove

[F]HB2106 Child support and custody; parenting plans. Requires preparation of parenting plans in any actions for divorce, separation, annulment, or separate maintenance that involve a minor child. The parenting plan specifies the allocation of parenting responsibilities, establishes a residential schedule, and sets the award of child support.

Patron - McQuigg

[F]HB2294 Visitation with minor child; standard order for noncustodial parent. Establishes guidelines for a

standard visitation order governing visitation by a noncustodial parent.

Patron - Lingamfelter

[F]HB2490 Domestic relations; lawful contracts. Provides that the prohibition against a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage shall not abridge the right of any person to enter into a lawful contract that pertains to the ownership or devising of joint property, the maintenance of personal health, or the protection of private assets.

Patron - Petersen

[F]HB2885 Child support; interest and fees. Eliminates the mandatory assessment of interest and fees relative to child support, and requires that any discretionary awards be justified in the court's order.

Patron - Spruill

[F]SB978 Affirmation of foreign marriage. Allows parties married outside of the United States and residing in the Commonwealth to petition the circuit court of the county or city in which they reside for an order affirming their marriage, and allows a judge to grant an order affirming such marriage if the parties supply certain documentation and the court finds that (i) at least one of the parties is a citizen of the United States, (ii) the marriage is valid under the laws of the other jurisdiction, and (iii) such marriage is not prohibited under the laws of the Commonwealth.

Patron - O'Brien

[F]SB1231 Visitation with minor child; standard order for noncustodial parent. Establishes guidelines for a standard visitation order governing visitation by a noncustodial parent.

Patron - Quayle

[F]SB1334 Best interests of the child. Provides that initiation by a parent of a no fault divorce and the commission of fault in a fault divorce are factors to be considered by the court in determining the best interests of the child when deciding custody and visitation.

Patron - Cuccinelli

Education

Passed

[P]HB1573 Education; gang-related activity in public schools. Directs the Board of Education to include provisions addressing gang-related activities in its model guidelines for codes of student conduct.

Patron - Albo

[P]HB1615 School safety audits. Directs the Superintendent of Public Instruction to prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Patron - Fralin

[P]HB1685 Sale of school property; transportation purposes. Empowers a local school board of a school division comprised of a city having a population of 350,000 or more and adjacent to the Atlantic Ocean (Virginia Beach) to sell property to the Virginia Department of Transportation or the

Commonwealth Transportation Commissioner (i) when the Commissioner has determined that such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be required.

Patron - Tata

HB1716 Reporting of offenses by school authorities. Provides that principals and division superintendents, in reporting certain serious incidents and crimes for annual recordation and publication by the Department of Education, shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities.

Patron - Fralin

HB1743 Self-injected epinephrine; self-administration by students. Adds self-injected epinephrine to those medications that public school students diagnosed with asthma or anaphylaxis, or both, may self-administer under certain conditions. School and health department personnel supervising the administration of this medication are immune from civil liability. In addition, principals and school board employees are not liable for any civil damages for any injuries or deaths resulting from the misuse of such auto-injectable epinephrine. Additional amendments add auto-injectable epinephrine to current provisions addressing other self-administered medications.

Patron - Ward

HB1762 Standards of Quality. Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. The measure also includes a number of technical or clarifying amendments and additional cross-references for other Code sections. This bill is identical to SB 779.

Patron - Dillard

HB1767 Home instruction; notification regarding examinations. Directs local school boards to implement a plan for the notification of students receiving home instruction and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. The definition of "parent" is deleted, as it is duplicative of the definition already set forth in § 22.1-1 as applicable to the entire title.

Patron - Dillard

HB1769 Commission on Civics Education. Creates the 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and citizens. The Commission is to, among other things, (i) identify civic education projects in the Commonwealth and provide technical assistance as may be needed, (ii) build a network of civic education professionals to share information and strengthen partnerships, and (iii) make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.

Patron - Dillard

HB1781 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS. Also sunseting in 2005, and not included in this bill, is the requirement that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (§ 22.1-23). This bill is identical to SB 761.

Patron - BaCote

HB1782 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (VRS) (§ 22.1-23). The measure does not address use of this reported information by VRS. Also sunseting in 2005, and not included in this bill, are the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (§ 22.1-79).

Patron - BaCote

HB1989 School board salaries. Increases from \$3,600 to \$4,800 the maximum salary to be paid members of the Salem school board.

Patron - Griffith

HB2223 Expulsion of students; petition for readmission. Provides that the local school board, or a committee thereof, or the division superintendent may review petitions for readmission by expelled students. If the division superintendent or a school board committee denies the petition, the student may petition the full school board for review of the denial of readmission.

Patron - Rust

HB2266 School boards; policies on bullying. Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may

contact law enforcement for further information. This bill is identical to HB 2879 and incorporates HB 2171.

Patron - Bell

[P]HB2382 False statements; school division residency; penalty. Creates a Class 4 misdemeanor charge for knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone.

Patron - Barlow

[P]HB2602 No Child Left Behind Act; Board of Education to seek waivers. Directs the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. This bill is identical to SB 1136 and incorporates HB 1592 and HB 2685.

Patron - Landes

[P]HB2790 Teacher licensure qualifications. Requires the Board of Education, in its regulations governing teacher licensure, to establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined by Board regulations to substitute experiential learning in lieu of coursework. The bill also includes a technical amendment to provide appropriate cross references between relevant statutes.

Patron - Frederick

[P]HB2832 Interscholastic athletic ineligibility. Provides that the Virginia High School League must establish rules requiring that, upon disclosure, a public school student athlete who uses anabolic steroids during the training period immediately preceding or during the sport season of the school athletic team on which he is a member be ineligible to participate in interscholastic athletic competition for two years, unless the steroid was prescribed by a licensed physician for a medical condition. Student use of anabolic steroids during the training period immediately preceding or during the sport season of the school is required to be reported, unless the steroid was prescribed by a licensed physician for a medical condition. The bill also requires the Board of Education to suspend or revoke the administrative or teaching license of any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes these drugs to be procured, sold, or administered to students, or by failing to report student use of anabolic steroids.

Patron - Marshall, R.G.

[P]HB2879 Character education and student conduct codes; policies on bullying in schools. Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure

requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may contact law enforcement for further information. This bill is identical to HB 2266.

Patron - Marshall, R.G.

[P]HB2912 Teachers; sick leave. Requires local school boards to adopt policies providing for leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.

Patron - Eisenberg

[P]SB761 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS. Also sunseting in 2005, and not included in this bill, is the requirement that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (§ 22.1-23). This bill is identical to HB 1781.

Patron - Locke

[P]SB767 School board salaries. Increases from \$3,600 to \$4,800 the maximum salary to be paid members of the Salem school board and increases from \$3,400 to \$5,000 the maximum salary to be paid for members of the Richmond County school board.

Patron - Bell

[P]SB779 Standards of Quality. Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. The measure also includes a number of technical or clarifying amendments and additional cross-references for other Code sections. This bill is identical to HB 1762.

Patron - Potts

[P]SB949 Teacher licensure by reciprocity. Provides for teacher licensure by reciprocity for an individual who has obtained a valid out-of-state license that is in force at the time

the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No professional teacher's assessment or service requirements shall be imposed for these licensed individuals. Current Board of Education regulations (8 VAC 20-21-90) require a professional teacher's assessment (PRAXIS) for out-of-state applicants who (i) have completed a state-approved teacher training program through a regionally accredited four-year college or university, or (ii) hold a valid out-of-state teaching license in force at the time the license application is made. These persons must also provide student transcripts.

Patron - Potts

SB950 Economics education and financial literacy in the public schools and institutions of higher education. Requires instruction in economics education and financial literacy in public middle and high schools. The Board of Education is required to develop and approve objectives for economics education and financial literacy in grades six through 12. The principles of the American economic system and financial literacy must also be systematically infused in the Standards of Learning, and in career and technical education programs. However, these objectives are not required to be included in the Standards of Learning assessments. In addition, to provide for experiential learning and practical application of economic and financial literacy principles, public schools may establish on-site banking programs for students. In addition, public institutions of higher education must make provisions for the promotion of the development of student life skills through inclusion of principles of economics education and financial literacy within an existing general education course, the freshman orientation process, or other appropriate venue. The provisions of §§ 22.1-200.02 and 22.1-208.2:3, which provide for instruction in certain mathematics and finance objectives, and the Banking-at-School Partnership Program, respectively, have been incorporated in this bill and have been repealed.

Patron - Potts

SB969 Entrepreneurship Education Program. Creates the Entrepreneurship Education Program, consisting of grants administered by the Board of Education to public secondary schools to support innovative educational programs designed to assist students in the development of their entrepreneurial, academic, and life skills. The programs shall, among other things, (i) incorporate experiential learning; (ii) include partnerships with business and higher education; and (iii) assist students in practicing and mastering business concepts, such as negotiation, pricing, and the development and implementation of plans for individual student businesses. This act will expire on July 1, 2007, if no gifts, donations, bequests, or other funds effectuating its purposes are received by that date.

Patron - O'Brien

SB981 Noncustodial parent as emergency contact. Provides that, unless a court order has been issued to the contrary, the noncustodial parent of a student enrolled in a public school or day care center must be included, upon the request of such noncustodial parent, as an emergency contact for events occurring during school or day care activities.

Patron - O'Brien

SB1006 School enrollment of children placed in foster care. Requires that whenever a student has been placed in foster care and the social services agency is unable to produce the required documents for enrollment, the student must be immediately enrolled and the person enrolling the student

must provide a written statement that, to the best of his knowledge, sets forth the student's age, compliance with notice requirements regarding good standing in the previous school, and that the student is in good health and is free from communicable or contagious disease. The sending and receiving school divisions must cooperate in facilitating the enrollment of the foster child across jurisdictional lines and may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. If the student is allowed to continue to attend the previous school, the receiving school division will be accorded foster children education payments and may enter into financial arrangements with the sending school division. Local school divisions are required to expedite the transfer of the scholastic record of the student. Social Services agencies are required to notify, within 72 hours of placing a child in foster care placement, the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee and to inform the principal of the status of the parental rights. The bill clarifies that no foster child can be charged tuition. However, the provisions relating to immediate enrollment and across jurisdictional placements will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents. The second enactment clause requires the Superintendent of Public Instruction and the Commissioner of the Department of Social Services to issue a memorandum as soon as practicable after the enactment of this bill to inform local school division superintendents and local social services agencies of its provisions.

Patron - Hanger

SB1045 Diplomas; student-selected verified credits. Directs the Board of Education to provide for the award of verified credits for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education. School boards shall report annually to the Board of Education the number of industry certifications obtained and state licensure examinations passed, and will include this number as a category on the school's achievement report card. Currently, the Standards of Accreditation (SOA) require the accumulation of a specific number of standard and verified units of credit for standard diplomas. The verified unit of credit is awarded upon passage of the relevant Standards of Learning (SOL) test (additional tests approved by the Board of Education), as well as the course (8 VAC 20-131-110 A, B). The Standard Diploma requires 22 credits, six of which must be verified units of credit, while the Advanced Studies Diploma requires 24 credits, with nine verified units. The SOA currently require verified units of credit in specific subjects, such as English, mathematics, science, history and social science. The Modified Standard Diploma is awarded to students with disabilities who are "unlikely to meet the credit requirements for a Standard Diploma" (8 VAC 20-131-50). School accreditation is based on pass rates for the SOL assessments (8 VAC 20-131-300).

Patron - Wagner

SB1130 Elementary schools; physical education. Provides that physical education in elementary schools shall include activities such as, but not limited to, cardio-vascular, muscle building, or stretching exercises, as appropriate.

Patron - Lambert

[P]SB1136 No Child Left Behind Act; Board of Education to seek waivers. Directs the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. This bill is identical to HB 2602 and incorporates SB 948.

Patron - Hanger

[P]SJ428 Mathematics specialist endorsement; report. Requests the Board of Education to include the mathematics specialist endorsement in the Licensure Regulations for School Personnel. The Board must design the endorsement in a manner to facilitate and improve student achievement in mathematics, and include such endorsement in the current review and revision of the Licensure Regulations for School Personnel by its Advisory Board of Teacher Education and Licensure (ABTEL). The Board of Education shall submit an executive summary and report of its progress in meeting the request of this resolution to the 2006 Regular Session of the General Assembly.

Patron - Watkins

Failed

[F]HB1510 Virginia Public School Authority; grants for school construction. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. One-half of the grants (\$500 million) shall be distributed to each school division in increments of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2004, fall membership data as a proportion of total actual September 30, 2004, fall membership data for all school divisions.

Patron - Shuler

[F]HB1532 Education Improvement Act of 2005. Creates the Phonics Instruction Incentive Program and Fund to award grants on a competitive basis to public schools that have failed to achieve full accreditation due to poor student performance in reading to purchase materials using systematic and explicit phonics for kindergarten through grade two, and for related instructional training programs. In addition, the measure amends the Standards of Quality to provide that remediation programs addressing reading skills shall utilize research-based reading initiatives and to require all remediation programs to incorporate research-based curricula that have demonstrated success in improving student performance. Finally, the measure requires, on and after July 1, 2006, that persons seeking licensure renewal with endorsements as teachers in elementary grades, reading, or special education, demonstrate skills in reading instruction.

Patron - Frederick

[F]HB1541 Diploma requirements for certain students. Directs the Board of Education, in establishing diploma and graduation requirements, to provide waivers from Standards of Learning assessment and related units of credit requirements for children of those active duty members of the United States Armed Forces or the National Guard or other reserve component whose service has required their presence in the Commonwealth and has resulted in the transfer of such child to a public school in the Commonwealth within 24 months of the child's anticipated graduation.

Patron - Cosgrove

[F]HB1585 Alteration of student grades by principals. Prohibits principals and assistant principals from altering a student's grade for coursework or individual classroom assignments without the consent of the relevant classroom teacher.

Patron - Reese

[F]HB1589 Transportation services for nonpublic schools. Permits local school boards to enter into agreements with nonpublic schools in the school division to provide pupil transportation to and from the nonpublic schools under such terms and conditions as the school boards deem appropriate and responsible. This bill incorporates HB 1658.

Patron - Reese

[F]HB1592 No Child Left Behind Act; Board of Education to seek waiver. Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's existing educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or are lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. This bill has been incorporated into HB 2602.

Patron - Reese

[F]HB1658 Pupil transportation. Authorizes, but does not require, school boards to provide transportation to pupils residing in the relevant school division to any kindergarten, elementary, or secondary school in which the pupil is lawfully enrolled. However, the schools cannot be operated for profit, and, if located outside the relevant school division, must be at a distance not exceeding 10 miles by the nearest public thoroughfare. This bill has been incorporated into HB1589.

Patron - Lingamfelter

[F]HB1678 Free admission to public schools for children of certain military personnel. Provides that a child who (i) is the child of a parent called to active military duty and (ii) resides on a military or naval reservation located wholly or partly within the geographical boundaries of any school division, shall be admitted into the public schools of any adjacent school division and shall not be charged tuition.

Patron - Cosgrove

[F]HB1679 School attendance; children of military personnel. Prohibits the imposition of public school tuition charges for schoolchildren who (i) reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division, (ii) are domiciled residents of the Commonwealth of Virginia, and (iii) have been admitted for enrollment in a Virginia school division other than the one in which such reservation is wholly or partly located. The enrolling school division shall not be required to provide transportation to and from school and school-related activities for such students. The Commonwealth will provide the total per

capita costs for these students; the local composite index does not apply.

Patron - Cosgrove

HB1731 Nonpublic school students; participation in interscholastic sports. Directs the Virginia High School League (VHSL -- a "nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools") to provide an exception to its rules addressing enrollment and the eligibility of regular, bona fide students for participation in interscholastic activities. The exception shall provide eligibility for participation in interscholastic sports by any nonpublic school student who is eligible for free tuition in such public school pursuant to § 22.1-5 and shall be limited to participation in interscholastic activities at the school serving the attendance zone in which such student lives. Current VHSL rules restrict eligibility "to represent the school in any VHSL, Inc.-sponsored interscholastic contest "to a "bona fide student" who is a "full-time student who is in regular attendance and is carrying a schedule of subjects which, if successfully completed, will render him/her scholastically eligible for League participation the ensuing semester" (2004-2005 VHSL Handbook).

Patron - Cosgrove

HB1766 Standards of Quality; speech-language pathologists. Amends the Standards of Quality to require local school boards to employ speech-language pathologists in sufficient numbers to ensure a caseload that does not exceed 60 students per position.

Patron - Dillard

HB1768 Standard diploma; students with disabilities. Directs the Board of Education, in awarding verified credits required for a standard diploma for students who are subject to an individualized education plan (IEP), to establish procedures whereby such student may earn a verified credit based upon (i) receipt of a score on the relevant Standards of Learning assessment within 10 points of passing the assessment; and (ii) demonstration of the student's mastery of the required knowledge and skills through a portfolio of work or other assessment approved by the Board.

Patron - Dillard

HB1770 Testing of students receiving home instruction. Requires the Department of Education to maintain a list of achievement tests, evaluations, and assessments that may be used to satisfy the requirement that the homeschooler's parent annually provide evidence of the student's academic progress. A technical amendment deletes the definition of "parent," as § 22.1-1 already sets forth this definition for the entire Title.

Patron - Dillard

HB1771 School operations and business managers. Amends the staffing requirements set forth in the Standards of Quality to require the employment of school operations and business managers at the following levels: in elementary schools, one full-time at 900 students; in middle schools, one full-time at 600 students; and in high schools, one full-time at 600 students. The school operations and business manager would be responsible for certain administrative functions at the school, including, but not limited to, facilities, security, personnel, student transportation, food services, purchasing, budget, and finance, and shall perform related duties as required.

Patron - Dillard

HB1780 Virginia Educational Excellence Incentive Reward Program. Repeals the requirement that continua-

tion of the incentive reward program be contingent upon funding for the 2004 or 2005 fiscal year. The 2004 Appropriation Act did not include funding for the initiative for 2004. This measure will remove the funding contingency completely. If funding is not provided for 2005 in the 2005 budget, passage of this measure ensures that the program remains in the Code.

Patron - Ward

HB1870 Statewide assessment program for certain career and technical education courses. Requires the Board of Education to establish, in order to improve the Commonwealth's skilled workforce, a statewide assessment program for those career and technical education courses that do not lead to industry certification or state licensure, which incorporates existing standards of learning or competencies. Such statewide assessment program may utilize assessment instruments that are already available.

Patron - McDougale

HB1906 Alternative education programs. Amends Standard 1 of the Standards of Quality to require school boards to establish alternative education programs for disruptive, suspended, and expelled students. The bill also requires appropriate state funding to support quality educational programs designed to accommodate the educational and support services needs of such students.

Patron - Baskerville

HB1912 Pledge of Allegiance. Requires the Board of Education, in its guidelines for Pledge recitation in the public schools, to include provisions addressing parental notification for minor students who decline to stand or to recite the Pledge. Technical amendments remove reference to "legal guardian," as "parent," pursuant to § 22.1-1, includes guardians and other persons "having control or charge of a child."

Patron - Cole

HB2075 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

Patron - Plum

HB2140 Virginia Wellness-Related Fitness Test. Requires the local school boards of each school division to annually administer the Virginia Wellness-Related Fitness Test that must include an assessment of students' height and weight. Height and weight must be measured in grades K, 3, 7, and 10 unless students are admitted for the first time to a public kindergarten or elementary school and have been weighed and measured as part of the comprehensive physical examination. The Department of Education must enter into a memorandum of agreement with the Department of Health for the sharing of aggregate information on physical fitness, height, and weight from which personal identifiers have been removed.

Patron - Moran

HB2157 School boards; transfer of vacant property. Amends the current surplus property procedures to require school boards to transfer real property that, for a period of six months, has been vacant or is no longer used for educational purposes, directly to the relevant local governing body. The property is automatically deemed surplus property upon expiration of the six-month period.

Patron - Nutter

HB2171 Codes of student conduct; bullying, harassment, and intimidation. Adds bullying, harassment, and intimidation to the list of behavior that must be addressed in the Board of Education's model code of student conduct and

in school divisions' required student conduct codes. This bill has been incorporated into HB 2266.

Patron - Johnson

HB2202 Student discipline. Prohibits the imposition of disciplinary actions against students for possession of a bona fide eating utensil or personal grooming device unless the item is brandished or employed as a weapon, or otherwise used to effect or to threaten an act of violence or intimidation against another or threaten property.

Patron - Marrs

HB2297 Charter school and home schooled students; participation in interscholastic activities. Directs the Virginia High School League (VHSL), i.e., a "nonprofit corporation founded in Virginia in 1913 that currently organizes and governs interscholastic activities among the public high schools," to provide an exception to its rules addressing enrollment and the eligibility of regular, bona fide students for participation in interscholastic activities. The exception must provide eligibility for participation in interscholastic sports by any student receiving home instruction pursuant to § 22.1-254.1 who has been receiving such home instruction for at least one year prior to such eligibility and is entitled to free tuition in such public school pursuant to § 22.1-5, and students enrolled in a charter school that does not sponsor or provide those interscholastic activities or teams in which the student desires to participate. The eligibility will be limited to participation in interscholastic activities at the school serving the attendance zone in which such student lives. Current VHSL rules restrict eligibility to participate in interscholastic activities to a "bona fide student" who is a "full-time student who is in regular attendance and is carrying a schedule of subjects which, if successfully completed, will render him/her scholastically eligible for League participation the ensuing semester" (2004-2005 VHSL Handbook).

Patron - Fralin

HB2299 Defibrillators in public schools. Requires school boards to ensure that each high school in the division be equipped with an automated external defibrillator (AED). In addition, the measure requires schools to ensure that personnel have certification or training in the operation of an automated external defibrillator at specific staffing levels. The measure also sets forth school board immunity for ordinary negligence in acts or omissions resulting from the operation, testing, or maintenance of this device. Current law provides civil immunity for individuals operating an AED, absent "gross negligence or willful or wanton misconduct."

Patron - Fralin

HB2323 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2005, in any year in which general fund revenue growth is at least three percent greater than the population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

Patron - Rust

HB2332 Teacher licensure by reciprocity. Provides for teacher licensure by reciprocity for an individual who has

completed a state-approved teacher training program through a regionally accredited four-year college or university and who has obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No professional teacher's assessment or service requirements shall be imposed for these licensed individuals. Current Board of Education regulations (8 VAC 20-21-90) require a professional teacher's assessment (PRAXIS) for out-of-state applicants who (i) have completed a state-approved teacher training program through a regionally accredited four-year college or university, or (ii) hold a valid out-of-state teaching license in force at the time the license application is made. These persons must also provide student transcripts.

Patron - Athey

HB2357 Computation of composite index. Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This measure reflects certain recommendations included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002).

Patron - Watts

HB2358 Standards of Quality; pupil-teacher ratios. Provides that local school boards shall assign instructional staff in a manner to establish a maximum class size of 24-to-one in kindergarten and grades one through three. If the average daily membership exceeds 24 students, a full-time teacher's aide must be assigned to the class. The divisionwide ratio shall not exceed 25-to-one in grades four through 12.

Patron - Watts

HB2484 Kindergarten programs. Requires all school divisions to establish full-day kindergarten programs by July 1, 2008. This bill allows parents of children who are required or eligible to attend kindergarten programs to petition the division superintendent in their school division to enroll the child half-day in kindergarten. The division superintendent must grant the petition unless the division superintendent determines that attendance in a full-day kindergarten program would be in the best interest of the child. School division superintendents must also disseminate information to parents concerning their right to petition the division superintendent to enroll the child half-day in kindergarten. The bill also provides that funding for half-day kindergarten programs shall continue as currently constituted until July 1, 2008, the date on which all school divisions must have established full-day kindergarten programs. Other requirements pertaining to kindergarten programs have not been changed. This bill does not become effective unless funds are appropriated for the program by the 2005 Session of the General Assembly.

Patron - Petersen

HB2541 Home instruction. Changes from August 1 to August 15 the date upon which parents must submit evidence of educational progress for their children receiving home

instruction. Current law provides that parents must also file notice of intent to provide home instruction on August 15.

Patron - Jones, S.C.

[F]HB2558 School division purchasing. Directs the Secretary of Education to examine methods of promoting combined or cooperative purchasing arrangements to enhance savings and efficiencies among contiguous school divisions that have fewer than 5,000 students in average daily membership. The Secretary shall report any findings and recommendations by November 30, 2005, to the Governor and the General Assembly.

Patron - Cline

[F]HB2568 Educational benefits for military dependents. Provides that dependents of active duty military personnel residing in the Commonwealth who otherwise satisfy any relevant eligibility, participation, or admissions criteria shall be given priority consideration for placement for such admission, participation, placement, or enrollment in any special academic programs or opportunities offered by the public schools of the Commonwealth, regardless of whether such program (i) is offered by the school in the attendance zone in which the student resides or (ii) has reached maximum enrollment. Also, the Superintendent of Public Instruction shall facilitate the development and implementation of memoranda of agreement between school divisions and military installations that address strategies for assisting students who are the children of active duty military personnel in the transition to the Commonwealth's public schools.

Patron - Baskerville

[F]HB2610 Obesity, and health and physical education in the public schools. Amends §§ 22.1-207, 22.1-207.3, and 22.1-253.13:1 to update and strengthen the requirements for health and physical education instruction in the public schools, and to address the problem of obesity among students through required instruction concerning certain health issues and the health consequences of obesity. This bill requires a comprehensive health and physical education program in grade kindergarten through grade 12, and that the Board of Education prescribe the program in its Standards of Learning for Health and for Physical Education. However, the Board is not required to evaluate student achievement on these objectives in the Standards of Learning assessments. Also, the bill requires that school boards that choose to implement school breakfast programs comply with the National School Lunch Program's regulations governing Dietary Guidelines for Americans, and disseminate information concerning the health consequences of obesity to students, parents, teachers, school administrators, and school nurses. In addition, under the Standards of Quality, school boards are required to emphasize good nutrition and physical fitness and exercise in health and physical education programs in the middle and high school grades, as well as at the elementary level.

Patron - Baskerville

[F]HB2613 Surveys and questionnaires of public school students. Prohibits local school boards from administering questionnaires or surveys to public school students during the regular school day or at school-sponsored activities if such questionnaires or surveys seek disclosure of (i) the parents' political affiliations or beliefs; (ii) the social security numbers of the parents or student, except as may otherwise be required for admission and enrollment; (iii) the sexual behavior and attitudes of the student as well as his family members; or (iv) critical assessments of family members. However, local school boards may administer questionnaires and surveys to students during the regular school day or at school-sponsored activities when the questionnaire or survey (i) is designed to

elicit information that will assist the school division in improving service to students within the division or within a particular school and (ii) does not include information that may personally identify the parent or student. Before administering any questionnaire or survey as permitted by this section, local school boards must make an affirmative finding as to the age-appropriateness of the questionnaire or survey.

Patron - Hugo

[F]HB2685 No Child Left Behind Act; Board of Education to seek waiver. Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's existing educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or are lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. This bill has been incorporated into HB 2602.

Patron - Pollard

[F]HB2752 Medically fragile students; special education. Adds medically fragile students to those children with disabilities entitled to special education services in public schools. The Board of Education shall promulgate regulations defining "medically fragile" students to include, at a minimum, those students with a medical condition that (i) has been diagnosed by a licensed physician; (ii) is unstable, pervasive, intermittent, chronic, progressive, or degenerative; and (iii) affects the student's ability to access effectively the general curriculum. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - Petersen

[F]HB2761 Student assessments; funding. Provides that no local funds shall be required to support federally-mandated student assessments that are not required by the Standards of Quality or the Standards of Accreditation. Funding for such assessments shall be provided by the Commonwealth through state appropriations or federal or private funds. The Standards of Quality and the Standards of Accreditation currently require Standards of Learning assessments in grades three, five, and eight, and certain end-of-course tests for high school. The federal No Child Left Behind Act (NCLB) directs the states, commencing with academic year 2005-06, to test annually all students in grades three through eight in mathematics and reading. To meet this NCLB federal annual testing requirement, Virginia will add reading and math tests for grades four, six, and seven in the 2005-06 school year. Another NCLB-required (Section 1111 (b) (7)) test is a state-approved English language proficiency assessment for the 2004-2005 school year; Virginia has selected the Stanford English Language Proficiency (SELP) test to meet this requirement.

Patron - Van Landingham

[F]HB2868 School boards; authority to block use of school facilities by certain student groups. Authorizes local school boards to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students.

Patron - Weatherholtz

[F]HB2916 Daily recess for elementary school students. Authorizes the Board of Education, as part of its review and revision of the Standards of Accreditation for public schools in Virginia relating to recess in elementary schools, to consult with the Virginia PTA and other interested parties in its deliberations.

Patron - Hull

[F]HJ561 Waiver from federal No Child Left Behind Act. Requests the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of Virginia's pre-existing educational accountability system or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act.

Patron - Reese

[F]HJ645 Adequate funding in the Executive Budget to attain the national average for teacher salaries by 2010. Encourages the Governor to include adequate funding in the Executive Budget to attain the national average for teacher salaries by 2010, and to communicate the resolution to his successor in order that he may be apprised of the sense of the General Assembly of Virginia in this matter.

Patron - Plum

[F]HJ708 Congress to amend No Child Left Behind. Memorializes Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be available to states so long as they maintain these proven standards and accountability programs.

Patron - Landes

[F]SB717 Character education; participation in community service. Provides that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

[F]SB731 Teacher qualifications. Allows local school boards, in staffing underfilled or overcrowded classes in secondary schools, to place licensed instructional personnel who do not hold an undergraduate degree in the relevant subject area but are actively enrolled in a program that leads to meeting such degree requirements within three years. "Active enrollment" shall mean earning at least six semester hours of credit per academic year. The Board of Education is to develop procedures, consistent with any federal requirements governing the employment of highly qualified instructional personnel, for implementation by local school boards employing such licensed personnel in underfilled or overcrowded classes in secondary schools. The procedures will establish criteria for determining underfilled or overcrowded classes and require local school boards to regularly report to the Board compliance with active enrollment requirements. The federal No Child Left Behind Act requires schools to employ in the core academic areas "highly qualified" teachers by the end of the 2005-06 academic year. Teachers must be fully licensed; new and current teachers must hold undergraduate degrees and meet various state testing and subject matter competency requirements. In response to these federal requirements, the Virginia Board of Education adopted on February 25, 2004, High Objective Uniform State Standard of Evaluation (HOUSSE) to address the placement of experienced teachers. To be "highly qualified," the experienced teacher has the option of (i) having an academic major or equivalent in the subject area(s) taught; (ii) completing an academic major, graduate degree, or coursework equivalent to an academic major, or advanced certification; or (iii) meeting the HOUSSE requirements, which may include, among other things, completion of three years of successful teaching experience and an academic major or equivalent

in the subject areas the teacher teaches or a minimum of 24 semester hours in the areas taught.

Patron - Puller

[F]SB747 Childhood obesity. Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to ameliorate childhood obesity in the public schools. This bill also adds the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents. Further, the bill requires division superintendents to complete instruction concerning the causes and consequences of overweight and obesity by July 1, 2006. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

Patron - Edwards

[F]SB770 Board of Education; annual salary. Institutes annual salaries of \$6,000 for members of the Board of Education and \$9,000 for the Board president, effective July 1, 2006. Members will no longer receive the \$50 per diem currently authorized by § 2.2-2813, but will continue to receive reimbursement for expenses incurred in the performance of duties.

Patron - Bell

[F]SB880 Compulsory school attendance, truancy and chronic tardiness. Incorporates the concept of chronic tardiness into the reporting, recordkeeping, and enforcement provisions of the compulsory school attendance law and other enforcement provisions relating to the welfare of children, including the law relating to juvenile and domestic courts and the parental responsibility law relating to public education and discipline. This bill requires the Board of Education to promulgate regulations defining "chronically tardy" to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school.

Patron - Obenshain

[F]SB892 Dissemination of information regarding meningococcal meningitis. Requires school boards to ensure that all schools in the division include information regarding meningococcal meningitis and related vaccinations in those materials currently required to be distributed at the beginning of each school year to parents. This information is to address (i) the etiology, symptoms, transmission, and prevention of meningococcal meningitis; (ii) additional informational sources; and (iii) entities offering such vaccinations.

Patron - Mims

[F]SB948 No Child Left Behind; waiver applications. Requires the Board of Education to file an application for a waiver from a specified accountability provision included in No Child Left Behind when requested, by resolution adopted in open meeting by any of the eight superintendents' regions. The superintendents' regions must review the provisions of NCLB and may request the filing of an application for a waiver. This bill has been incorporated into SB 1136.

Patron - Potts

[F]SB952 Humane treatment of animals. Requires instruction relating to humane treatment of animals, including responsible pet ownership and care, to be taught in the character education program in public schools.

Patron - Potts

[F]SB958 Standards of Quality; speech-language pathologists. Requires local school boards to employ speech-

language pathologists in a manner to provide a ratio of one full-time speech-language pathologist for every 60 students. The bill also requires that these positions be supported through state funding.

Patron - Potts

SB964 Substitute teachers. Defines a long-term substitute as a teacher who is employed in the same position for more than 20 days. Current Board of Education regulations provide that substitute teachers “[b]e a minimum of 18 years of age (21 years of age preferred); [p]ossess good moral character; [h]ave earned a high school diploma or General Education Diploma (GED); and attend an orientation to school policies and procedures conducted by the local school division” (8 VAC 20-640-10). Currently, Virginia school divisions typically define “long-term substitute” in employment policy. The federal No Child Left Behind (NCLB) Act directs states to ensure that, by the end of 2005-06, teachers in the core academic areas are “highly qualified.” Ensuring accountability for highly qualified instructional personnel is a required annual “report card” from each state, detailing teacher qualifications and the percentage of classes not served by “highly qualified” teachers. Pursuant to Title I, Part A, of the Act, schools must give each parent timely notice when their child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who is not highly qualified (Section 1111(h)(6)(B)(ii)). According to the U.S. Department of Education (No Child Left Behind: A Toolkit for Teachers (updated 2004)), while “short-term substitute teachers do not need to meet the highly qualified teacher requirements under No Child Left Behind, it is strongly recommended that a long-term substitute teacher meet the requirements for a highly qualified teacher as defined in the law. In addition, as states and districts establish a definition for “long-term substitute,” they should bear in mind that the law requires parent notification if a student has received instruction for four or more consecutive weeks by a teacher who is not highly qualified.”

Patron - O'Brien

SB1214 Early childhood education. Requires, on and after July 1, 2010, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

Patron - Edwards

SB1250 Medically fragile students; special education. Adds medically fragile students to those children with disabilities entitled to special education services in public schools. The Board of Education shall promulgate regulations defining “medically fragile” students to include, at a minimum, those students with a medical condition that (i) has been diagnosed by a licensed physician; (ii) is unstable, pervasive, intermittent, chronic, progressive, or degenerative; and (iii) affects

the student's ability to access effectively the general curriculum. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - O'Brien

SB1285 Teacher quality; evaluation and compensation. Establishes, as a goal of the Commonwealth, that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years. Such teachers who have an unsatisfactory evaluation must be evaluated the following year. Evaluations must be maintained in the employee's personnel file and copies of the evaluations must be made available to the Board of Education upon the request of the Board. Further, the Board of Education must establish guidelines for the evaluation of instructional personnel and for the review by the division superintendent or his designee of an unsatisfactory evaluation. Under current law, probationary teachers are to be evaluated annually (§ 22.1-303). The Code also directs the Board of Education to develop criteria for use by division superintendents and principals for the evaluation of instructional personnel; these criteria can be found in the Board's “Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents.”

Patron - Whipple

SB1290 Compulsory school attendance. Provides that, unless a waiver applies, all children who will have reached their fifth birthday on or before July 31 of any school year and who have not passed their eighteenth birthday shall be enrolled in a public or private school or receive home instruction. Currently, compulsory school attendance is required for children who will have reached their fifth birthday on or before September 30 of any school year.

Patron - Hanger

SB1318 Education; time release programs. Directs the local school boards to issue guidelines for time release programs in grades K-5 on a school-by-school basis. However, no time release program may be authorized unless two-thirds of the parents of children enrolled at a school vote in support of creating such program. The bill further prohibits the discontinuance of a time release program unless a majority of the parents of enrolled children vote in support of the discontinuance and provides for initiation of a vote to create or discontinue a time release program by petition.

Patron - Hanger

SJ437 Memorializing Congress; No Child Left Behind Act. Urges Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be made available to states so long as they maintain these proven standards and accountability programs. The resolution also requests that any further action anticipated to enforce the Act be deferred until full funding to implement the law has been authorized.

Patron - Hanger

Educational Institutions

Passed

[P]HB1682 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other public accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition, room and board, and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, or in emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived. This bill is identical to SB 1288.

Patron - Janis

[P]HB1719 Certification of postsecondary schools. Clarifies the role of the State Council of Higher Education (SCHEV) in the certification of postsecondary schools (degree-granting schools other than public institutions of higher education and noncollege degree schools). Previously, SCHEV approved programs of study; this measure provides for the certification of schools rather than program approval. This certification authority does not address professional or training programs subject to a Virginia health regulatory board or other state or federal governmental agency.

Patron - Tata

[P]HB1726 Higher education; textbook sales and bookstores. Prohibits employees at Virginia public institutions of higher education from demanding or receiving any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction. An exception allows the employee to receive (i) sample copies, instructor's copies, or instructional material, not to be sold; and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work. The measure also requires the governing boards to implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution. Finally, institutions maintaining a bookstore supported by auxiliary services or operated by a private contractor must post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

Patron - Oder

[P]HB1816 Annual reporting of the use of student activity fees. Requires each public two- and four-year institution of higher education in the Commonwealth to publish annually a descriptive report detailing the (i) amount and distribution of student activity fees assessed each semester or during an academic year; and (ii) the name of each organization,

including the nature of the organization's activity, that receives funding of \$100 or more from student activity fees. The bill also requires institutions to post the annual report on its website to facilitate access and availability of the report to students enrolled at the institution and their parents.

Patron - Marshall, R.G.

[P]HB2071 Southern Virginia Higher Education Center. Continues the Southern Virginia Higher Education Center, previously established as an off-campus center of Longwood University, as an educational institution charged to, among other things, encourage the expansion of higher education, including adult and continuing education, associate, undergraduate, and graduate degree programs and foster partnerships between the public and private sectors to enhance higher education in the region. The Center is governed by a 15-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Longwood University, Danville Community College, and Southside Virginia Community College; the division superintendent of Halifax County Public Schools; three legislators; and six gubernatorially-appointed nonlegislative citizen members. The Board is authorized to establish agreements with public and private institutions of higher education to provide associate, undergraduate, and graduate level instructional programs at the Center. Currently, the Center is located in South Boston and is governed by the Southern Virginia Higher Education Consortium, which includes Longwood University, Southside Virginia Community College, and Danville Community College. This bill is identical to SB 1293.

Patron - Hogan

[P]HB2337 Articulation agreements. Requires the governing board of each four-year public institution of higher education, beginning with academic year 2006-2007, to develop additional articulation and transfer agreements with uniform application to all institutions within the Virginia Community College System that (i) meet appropriate general education and program requirements at the four-year institutions; and (ii) provide additional opportunities for associate degree graduates to be admitted and enrolled. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation agreements, must develop guidelines for such agreements. Current law requires the State Council to develop a State Transfer Module designating those general education courses that are offered within various associate degree programs at the public two-year institutions that are transferable for credit or admission with standing as a junior (third year) to the public four-year institutions.

Patron - Athey

[P]HB2422 Southwest Virginia Higher Education Center. Increases from five to seven the citizen members of the Southwest Virginia Higher Education Center, (thereby increasing the board membership from 21 to 23) and specifies that the citizen members shall include two business and industry leaders, and three individuals, one each representing the technology, tourism, and health care industries, respectively. Current law requires that a public school teacher or a division superintendent be included among the citizen members.

Patron - Johnson

[P]HB2866 Restructured Higher Education Financial and Administrative Operations Act. Sets forth enabling legislation for the restructuring of public institutions of higher education (institutions) that will extend, upon the satisfaction of various conditions, autonomy, which includes but is not limited to, capital building projects, procurement and personnel,

while providing oversight mechanisms and establishing certain expectations. Under the bill, three levels of autonomy will be available to all public institutions of higher education with the level of autonomy depending on each institution's financial strength and ability to manage day-to-day operations. The bill also requires such institutions to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections, to develop detailed plans for meeting statewide objectives, and to accept a number of accountability measures, including meeting benchmarks related to accessibility and affordability. The bill further requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. The Governor is required to submit his recommendations for the third level of autonomy as part the budget bill or amendments to the budget bill for review and approval by the General Assembly. This bill incorporates HB 2034.

Patron - Callahan

[P]SB712 Higher education; vaccination for hepatitis B. Provides that full-time students enrolled for the first time in any four-year public institution of higher education shall be vaccinated against hepatitis B unless the student signs a waiver that he has received and reviewed information on hepatitis B and the availability and effectiveness of being vaccinated.

Patron - Potts

[P]SB1288 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other public accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition, room and board, and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, or in emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived. This bill is identical to HB 1682.

Patron - Stosch

[P]SB1293 Southern Virginia Higher Education Center. Continues the Southern Virginia Higher Education Center, previously established through a number of regional higher education institutions, as an educational institution charged to, among other things, encourage the expansion of higher education, including adult and continuing education, associate, undergraduate, and graduate degree programs in the Southside region of the Commonwealth and foster partnerships between the public and private sectors to enhance higher education in the region. The Center is governed by a 15-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Longwood University, Danville Community College, and Southside Virginia Community College; the division superintendent of Halifax County public schools; two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be

appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by the Governor, including the chairman and two other members of the Halifax Education Foundation, and three representatives of business and industry. The Board is authorized to establish agreements with public and private institutions of higher education to provide associate, undergraduate, and graduate level instructional programs at the Center. Currently, the Center is located in South Boston and is governed by the Southern Virginia Higher Education Consortium, which includes Longwood University, Southside Virginia Community College, and Danville Community College. This bill is identical to HB 2071.

Patron - Ruff

[P]SB1310 College of William and Mary; rector. Extends the term of the current rector of the College of William and Mary for one year, to June 30, 2006. The measure also authorizes the expansion of the 17-member board to 18 members from July 1, 2005, to June 30, 2006. Finally, the measure deletes obsolete language.

Patron - Norment

[P]SB1327 Restructured Higher Education Financial and Administrative Operations Act. Sets forth enabling legislation for the restructuring of public institutions of higher education (institutions) that will extend, upon the satisfaction of various conditions, autonomy, which includes but is not limited to, capital building projects, procurement and personnel, while providing oversight mechanisms and establishing certain expectations. Under the bill, three levels of autonomy will be available to all public institutions of higher education with the level of autonomy depending on each institution's financial strength and ability to manage day-to-day operations. The bill also requires such institutions to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections, to develop detailed plans for meeting statewide objectives, and to accept a number of accountability measures, including meeting benchmarks related to accessibility and affordability. The bill further requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. The Governor is required to submit his recommendations for the third level of autonomy as part the budget bill or amendments to the budget bill for review and approval by the General Assembly. This bill incorporates SB 1314.

Patron - Norment

Failed

[F]HB1598 In-state tuition; legal alien students. Grants in-state tuition to a student holding a valid student or other temporary visa if the student's parent is a legal alien holding a valid permanent or temporary visa who has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full-time and paid individual income taxes to Virginia. Such student shall be eligible for in-state tuition charges only if the alien parent claims him as a dependent for income tax purposes, as evidenced by claiming him as a dependent on an individual or joint return. However, such student does not have the capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile required for any other benefits conferred in Title 23. Current law provides that an alien holding an immigration visa or classified as a political refugee may establish eligibility for in-state tuition in the same manner as any other student, but also states that, absent congressional intent to the contrary, any person holding a student or other temporary visa shall not have the

capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile and for in-state tuition charges.

Patron - Callahan

HB1659 Higher education; hiring and admission of military personnel. Requires Virginia's public institutions of higher education to include veterans of the U.S. Armed Forces who were honorably discharged or who are currently members in good standing in the active or inactive Reserves or National Guard as a duly recognized group in any affirmative action plan for (i) hiring as faculty or nonfaculty or (ii) admission as students. The measure also requires institutions to file annual reports on hiring and admission of veterans and military personnel.

Patron - Lingamfelter

HB1813 Emergency postcoital contraception. Provides that public two- and four-year institutions of higher education are not immune from civil liability resulting from injury sustained from exposure to emergency postcoital contraception, commonly referred to as "morning after pills," prescribed or dispensed by the medical or nursing staff employed or contracted by the institution to provide student health care services.

Patron - Marshall, R.G.

HB2034 Higher Education Reform Act of 2005. Requires public institutions of higher education (institutions) to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections. Such plans will be submitted to the State Council of Higher Education, the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance. In addition, the bill requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. Among other things, the bill provides institutions that have formally committed to meet certain objective measures of performance with more flexibility in (i) disposing of real and personal property, (ii) conveying and acquiring easements and leases, (iii) identifying vendors who are minority business enterprises, (iv) designating classification of administrative and faculty positions, and (v) supervising construction projects and inspecting for compliance with the Uniform Statewide Building Code. This bill has been incorporated into HB 2866.

Patron - Hamilton

HB2091 Admissions policies. Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

Patron - Hugo

HB2122 In-state tuition; applicants for asylum or refugee status. Grants in-state tuition to any person who has applied with the federal Immigration and Naturalization Service for admission or classification as a refugee or asylum status, as the case may be, on the basis of fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion shall be entitled to in-state tuition charges (i) if the student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, and if the parent of such student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full-time, and paid individual income taxes to Virginia; or (ii) in the case of a student who is an emancipated minor has, for at least one year immediately prior

to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed on a full- or part-time basis, and paid individual income taxes to Virginia. Current law provides that an alien holding an immigration visa or classified as a political refugee may establish eligibility for in-state tuition in the same manner as any other student. The State Council of Higher Education is to issue and revise guidelines for determinations of eligibility for in-state tuition.

Patron - Eisenberg

HB2146 Community College Success Program and Fund. Creates, from such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, the Community College Success Program, to be administered by the State Board for Community Colleges. The Program consists of noncompetitive grants to community colleges to implement programs designed to (i) improve student academic achievement through tutoring and other services, (ii) decrease the rate of dropout among community college students, and (iii) increase the number of such students obtaining associate degrees, diplomas, and certificates.

Patron - Amundson

HB2188 Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund. Provides that the General Assembly shall make an annual appropriation to the Fund for scholarships for shipyard workers enrolled in a three-year program of educational instruction at Tidewater Community College that incorporates instruction in industrial applied sciences. The annual appropriation shall equal \$150,000; provided, however, that the annual appropriation when added to the beginning balance of the Fund on July 1 of the fiscal year shall not exceed \$200,000. This bill includes technical amendments.

Patron - Wardrup

HB2222 Student Financial Security Program. Creates the Student Financial Security Program and Fund to provide supplemental funding for need-based, state-funded financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions. Among the Commonwealth's state-funded, need-based student aid initiatives are the Virginia Guaranteed Assistance Program (§ 23-38.53:4 et seq.), the College Scholarship Assistance program (§ 23-38.45 et seq.), and student loan programs (§ 23-38.10:2 et seq.).

Patron - Rust

HB2227 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth that are accredited by the Southern Association of Colleges and Schools in technology-enriched learning initiatives. The Office is empowered to (i) establish and administer agreements with public and private institutions of higher education in the Commonwealth and other entities to conduct studies examining the need for technology-enriched learning initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies; (ii) enhance student access to technology-enriched educational programs and opportunities; (iii) reduce unnecessary duplication in technology-enriched learning initiatives; (iv) assist in the development of standards for improving access to, training

for, and efficiency in such learning initiatives; and (v) enter into contracts for related program development.

Patron - Rust

[F]HB2324 Virginia Educational Ventures Consortium. Creates the Virginia Educational Ventures Consortium to facilitate the development of innovative and cost-effective distance learning instructional initiatives that address underserved constituencies. Comprised of participating public and private institutions of higher education in the Commonwealth, the Consortium is to (i) establish and administer agreements with public and private institutions of higher education and other entities to conduct studies examining the need for distance learning initiatives and to develop and execute, on a continuing basis, strategies to address such distance learning needs of underserved constituencies and (ii) enter into contracts for distance learning program development. This measure expires on July 1, 2010.

Patron - Rust

[F]HB2483 Commonwealth Scholars Program. Creates the Commonwealth Scholars Program, consisting of scholarships awarded to Virginia public high school graduates finishing in the top five percent of their respective classes, passing the required Standards of Learning assessments, and enrolled as full-time undergraduate students in any accredited, degree-granting public institution of higher education in Virginia. Scholarships shall support the full cost of tuition for one year only and may not be applied to fees, room, board, or other educational expenses. Should available funds be insufficient to provide full tuition, the State Council of Higher Education will determine the amounts of scholarship awards.

Patron - Petersen

[F]HB2567 In-state tuition for certain military personnel and dependents. Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled.

Patron - Baskerville

[F]HB2780 Tuition; restricted annual increase. Provides that the governing body of each public institution of higher education shall set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates. However, annual tuition increases cannot exceed the rate of inflation except in limited circumstances.

Patron - Alexander

[F]HB2867 College applications; citizenship information. Requires the governing board of each public institution of higher education to ensure that any solicitations of information regarding visa or citizenship status contained in the application for admission seek only that information necessary to satisfy any informational or reporting requirements imposed by state or federal law.

Patron - Sickles

[F]HB2910 Prohibiting admission of illegal aliens to public institutions of higher education. Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia.

Patron - Gear

[F]HJ619 Academic programs in critical shortage areas. Requests the State Council of Higher Education to coordinate with the public institutions of higher education regarding the discontinuance of academic programs to ensure the maintenance of degree programs that address high demand or critical shortage areas.

dinate with the public institutions of higher education regarding the discontinuance of academic programs to ensure the maintenance of degree programs that address high demand or critical shortage areas.

Patron - Orrock

[F]SB757 Student Financial Security Program. Creates the Student Financial Security Program and Fund to provide state-funded need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs, based in whole or in part on need, are available to offset tuition increases at the various public institutions. Funds for the Program shall be included in each institution's appropriation for undergraduate student financial assistance.

Patron - Houck

[F]SB931 Higher education endowment funds; supplementing salaries. Clarifies that public institutions of higher education may use endowment funds to supplement faculty salaries and benefits. Current law provides that the Commonwealth cannot consider the availability of private endowment moneys when determining its fiscal support for public colleges and universities. Pursuant to various institutions' statutes, the governing boards are typically empowered to employ "all teachers, and fix their salaries..."

Patron - O'Brien

[F]SB1053 Public institutions of higher education; intellectual property policies. Establishes the circumstances pursuant to which public institutions of higher education are required or authorized to transfer or assign intellectual property that is developed through externally-sponsored research to the sponsor of the research.

Patron - Wagner

[F]SB1066 Reduction in undergraduate tuition and fees. Directs the governing body of each public institution of higher education to reduce the tuition and mandatory educational and general fees in effect on June 30, 2005, for in-state undergraduate students by 20 percent for the year beginning July 1, 2005, and ending June 30, 2006. Following such reduction, the Governor shall include, in each budget submitted to the General Assembly, sufficient funds to reimburse each public institution of higher education for such tuition and mandatory fees reduced pursuant to this section.

Patron - Edwards

[F]SB1125 Higher education; annual audits. Removes responsibility for annual audits of institutions of higher education from the Auditor of Public Accounts and directs the respective governing boards to retain licensed independent certified public accountants for these audits. Currently, the Auditor is responsible for annual audits of all state entities, "handling any state funds" and reports a summary of these audits each year when the Governor presents the proposed executive budget to the legislature.

Patron - Obenshain

[F]SB1251 Higher education; hiring and admission of military personnel. Requires Virginia's public institutions of higher education to include veterans of the U.S. Armed Forces who were honorably discharged or who are currently members in good standing in the active or inactive Reserves or National Guard as a duly recognized group in any affirmative action plan for (i) hiring as faculty or nonfaculty or (ii) admission as students. The bill also requires institutions to file

annual reports on hiring and admission of veterans and military personnel.

Patron - O'Brien

[F]SB1257 Tuition; restricted annual increase. Provides that the governing body of each public institution of higher education shall set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates. However, annual tuition increases cannot exceed the rate of inflation except in limited circumstances.

Patron - Houck

[F]SB1262 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth that are accredited by the Southern Association of Colleges and Schools in technology-enriched learning initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities and the development and delivery of technology-enriched initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. This bill is identical to HB 2227.

Patron - Potts

[F]SB1314 Public institutions of higher education. Directs governing boards of the public institutions of higher education to adopt biennially six-year plans addressing the academic, financial, and enrollment plans and various objectives for the relevant institution. The State Council of Higher Education (SCHEV) will annually review and assess the six-year plans, identify any disparities between the institutional plans and statewide needs and objectives, and make recommendations for the revision of such plans for consideration by the respective public institutions, the Governor, and the General Assembly. The bill requires SCHEV to develop objective measures of institutional performance and institutional performance benchmarks for these measures for consideration by the Governor and the General Assembly. Based on the objective measures and benchmarks ultimately set forth in the budget, SCHEV is to annually assess the degree to which the individual public institutions have met the institutional performance benchmarks and is to provide, no later than June 1 of each year, a certified written report of the assessment results to the Governor and the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health. Beginning with the 2006-2007 fiscal year, those institutions that have met the institutional performance benchmarks shall be entitled to various fiscal benefits. Authorizes public institutions of higher education (institutions) to (i) contract for specific construction projects without the review and approval of the Bureau of Capital Outlay Management, subject to various procurement and building code requirements; (ii) convey and grant easements and enter into leases without the prior approval of the Department of General Services; (iii) use internal staff or the local building official for compliance with the Uniform Statewide Building Code; (iv) exempts an institution's sole source procurements using certain vendors from the transaction fee charged by the

Department of General Services' web-based electronic procurement program; and (v) authorizes institutions to establish separate purchasing and travel credit card arrangements and to dispose of surplus property subject to certain restrictions. This bill has been incorporated into SB 1327.

Patron - Chichester

Elections

Passed

[P]HB1608 Requirements for political campaign advertisements. Allows for minor variations in the text of the disclosure legend or statement that must appear on the advertisements. The bill provides that textual variations will not be a violation of the basic ad requirements and radio and television ad requirements so long as the "contents of the disclosure legend or statement convey the required information."

Patron - Cole

[P]HB1647 Elections; sample ballots. Provides that official sample ballots shall be printed on white or yellow paper and that unofficial sample ballots must be printed on a different color paper.

Patron - Orrock

[P]HB1664 Campaign Finance Disclosure Act; penalties and enforcement. Increases penalties for violations of Act and requires the State Board of Elections, or an appropriate local elections official, to report violations to the attorney for the Commonwealth within 90 days of the report deadline.

Patron - Lingamfelter

[P]HB1808 Elections; pollbooks. Requires the State Board of Elections to provide instructions for the division of pollbooks and voter lists into sections for the efficient processing of voter lines at the polls.

Patron - Marshall, R.G.

[P]HB1840 Officers of elections; employment protections; penalty. Provides employment protections to officers of election similar to those enjoyed by jurors. The bill also provides that an officer who serves for more than four hours as an officer shall not be required to start any work shift beginning after 5:00 p.m. on his day of service or before 3:00 a.m. on the following day. A violation by an employer is punishable as a Class 3 misdemeanor.

Patron - Parrish

[P]HB1847 Elections; training for electoral boards and registrars. Requires at least one member of the electoral board and the general registrar or a staff member designated by him to attend annual training programs provided by the State Board of Elections. The bill also provides that the expenses for electoral board attendance at training sessions will be considered part of the expense plan for electoral boards.

Patron - Brink

[P]HB1941 Elections; campaign finance; definitions; reports. Defines "candidate" for campaign finance purposes to include persons raising or spending campaign funds to seek office. Also requires that local candidates who raise and spend minimal campaign funds and gain an exemption from reporting requirements file a final report before taking office.

Patron - O'Bannon

P HB2101 Elections; procedures at polling places. Requires a voter to remain in the polling place in the presence of the officers of election from the time that his name is marked on the pollbook as being present to vote and until he has cast his vote. This bill is identical to SB 990.

Patron - Hugo

P HB2376 Elections; officers of elections; oaths. Gives the local electoral board discretion to appoint officers of election for a term not to exceed three years. Authorizes members of the electoral board and registrars to administer the oath of office to officers of election. This bill is identical to HB 2648.

Patron - Rapp

P HB2383 Defense of electoral board members and general registrar staff; costs. Requires the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages. This bill is identical to SB 898.

Patron - Barlow

P HB2412 Voter registration applications; destruction of, or failure to mail or deliver, applications; instructions; other offenses; penalty. Requires the State Board of Elections, local electoral board, and general registrar to provide notice of the penalty (a Class 1 misdemeanor) for destruction of, or failure to mail or deliver, signed voter registration applications in any instructions given for voter registration drives or with distributions of multiple voter registration applications. The bill also makes it a Class 5 felony to solicit multiple registrations from one person or to falsify a registration application. This bill is identical to SB 923.

Patron - Brink

P HB2415 Elections; provisional ballots; ascertaining results of election. Requires an officer of election to give a voter who has cast a provisional ballot written notice of the meeting of the electoral board at which provisional ballots will be reviewed and denied or voted. The bill provides for possible extensions of the electoral board meeting to allow a voter to provide proof of his right to vote.

Patron - Brink

P HB2539 Campaign finance reports by PACs and committees; penalties. Provides for the quarterly filing of reports by PACs and committees in lieu of the present series of required reports and requires prompt reporting of single contributions of more than \$10,000. This bill contains an emergency clause.

Patron - Jones, S.C.

P HB2540 Campaign finance; special elections filings. Provides that candidates, who run in a special election for public office and who have not filed a final report closing their past campaign, are required to file reports on an election year schedule in succeeding election years for the same office. A similar bill was passed in 2004 that applied to general, but not special, elections.

Patron - Jones, S.C.

P HB2853 House of Delegates districts; composition. Adjusts the House of Delegates line between the Thirtieth and Fifty-eighth Districts through Orange County in order to eliminate two split precincts. The adjustment leaves the population

deviations of the districts at -2.1 percent and -1.2 percent, respectively.

Patron - Scott, E.T.

P HB2930 Voting equipment security; Freedom of Information Act provisions. Provides limited exemptions from certain Freedom of Information Act requirements for documents and meetings of the State Board of Elections and local electoral boards pertaining to the security of ballots and voting equipment and related security risk assessment procedures.

Patron - Hugo

P HB2934 Assistance for certain voters at polls. Requires that the person assisting a blind person to vote sign the request just as is currently required of a person assisting any other voter who requests assistance by reason of physical disability or inability to read or write. A person assisting a blind voter currently must provide his name and address but is not actually required to sign the statement.

Patron - Rapp

P HJ667 Campaign Finance Disclosure Act. Encourages the State Board of Elections to review the Campaign Finance Disclosure Act to determine the need for clarification and reorganization of the law.

Patron - Albo

P SB898 Defense of electoral board members and general registrar staff; costs. Requires the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages. This bill is identical to HB 2383.

Patron - Norment

P SB923 Voter registration applications; destruction of, or failure to mail or deliver applications; instructions; other offenses; penalty. Requires the State Board of Elections, local electoral board, and general registrar to provide notice of the penalty (a Class 1 misdemeanor) for destruction of, or failure to mail or deliver, signed voter registration applications in any instructions given for voter registration drives or with distributions of multiple voter registration applications. The bill also makes it a Class 5 felony to solicit multiple registrations from one person or to falsify a registration application. This bill is identical to HB 2412.

Patron - Blevins

P SB928 Elections; polling place requirements. Authorizes local governments, local electoral boards, and the State Board of Elections to make monetary grants to non-governmental entities for the purpose of providing accessible polling places.

Patron - Puller

P SB990 Elections; procedures at polling places. Requires a voter to remain in the polling place in the presence of the officers of election from the time that his name is marked on the pollbook as being present to vote and until he has cast his vote. This bill is identical to HB 2101.

Patron - Devolites Davis

P SB996 Campaign Finance Disclosure Act; referendum committees; civil penalty. Provides that a referendum committee that continues in existence more than six months after the referendum is held may either file a final report or continue as a political committee subject to the filing require-

ments for political committees. There is a civil penalty of \$500 for the failure to file or late filing of an appropriate statement of organization.

Patron - Devolites Davis

[P]SB1003 Elections; primary candidate filing fees. Provides for payment of fees by candidates for statewide offices to the State Board of Elections rather than to the Treasurer of the Commonwealth. The fees are to be used in paying the Commonwealth's expenses for the primary.

Patron - Devolites Davis

[P]SB1080 Campaign finance; reports of large contributions to governing body members. Requires the reporting of any single contribution of \$500 or more made to a governing body member in a non-election year to be filed with the local electoral board by the end of the fifteenth business day, rather than the fifth business day, after receipt, and eliminates provisions on aggregating contributions.

Patron - Ticer

Failed

[F]HB1507 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. This bill is patterned after the Iowa redistricting process.

Patron - Shuler

[F]HB1509 Elections; activities at polling places. Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a nonprofit, nonpartisan group within the 40-foot prohibited area at the polling place. The sales must be conducted by persons too young to vote.

Patron - Marshall, R.G.

[F]HB1549 Electronic voting systems. Requires that direct electronic voting devices be equipped to provide voter-verified paper ballots by January 1, 2007, and that the State Board of Elections begin a testing program for direct electronic voting devices and accompanying voter-verified paper ballots at the November 2005 general election. The Board shall conduct a random audit of direct electronic voting devices for comparison with the results obtained under the testing program.

Patron - Alexander

[F]HB1555 Residence addresses for purposes of voter registration and Department of Motor Vehicles applications and records. Requires individuals to provide the same residence address for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. Directs the State Board of Elections and Department to implement procedures to verify the same residence address is shown on the voter registration system and Department records.

Patron - Purkey

[F]HB1582 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day may vote absentee.

Patron - Reese

[F]HB1657 Unauthorized use of military medals and decorations in political campaign advertisements; penalty. Prohibits the display in political campaign advertisements of military decorations in any manner not authorized under federal law and makes a violation a Class 1 misdemeanor.

Patron - Lingamfelter

[F]HB1665 Ballots and election materials; exemption from certain purchasing and procurement requirements; exceptions. Provides that the exemption does not apply to the purchase of mechanical or electronic voting or counting equipment and systems.

Patron - Lingamfelter

[F]HB1681 Electoral College. Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott, J.M.

[F]HB1742 State Board of Elections; voter registration cards. Provides that every voter registration card shall state the name and address for the voter's polling place.

Patron - Ward

[F]HB1773 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant.

Patron - Dillard

[F]HB1846 Special elections to fill vacancies on governing bodies and school boards in certain circumstances. Provides for a special election as soon as practicable if vacancies and circumstances cause the governing body or school board to be composed entirely of appointed members.

Patron - Brink

[F]HB1905 Virginia Clean Election Act and Fund; penalties. Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill is based on the Maine Clean Election Act.

Patron - Baskerville

[F]HB1909 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 2153, HB 2636, and SB 1226.

Patron - Baskerville

HB1957 Elections; requirements for county and city precincts. Requires the county or city governing body to establish one precinct and polling place within the boundaries of each accredited public or private four-year institution of higher education located in the county or city. The bill is effective January 1, 2006.

Patron - Jones, D.C.

HB2021 Campaign finance disclosure; electronic filing of disclosure reports. Requires candidates for the General Assembly to file disclosure reports by computer or electronic means in accordance with State Board of Elections standards.

Patron - Welch

HB2090 Elections; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party. The State Board of Elections is authorized to collect party preference information from voters at 2005 elections to be incorporated into the revised Virginia Voter Registration System once it becomes operational.

Patron - Hugo

HB2096 Elections; authorized use of direct recording electronic machines; moratorium on purchases; emergency. Prohibits localities from purchasing any direct recording electronic machines from the effective date of the act to January 1, 2006, unless the joint subcommittee established by House Joint Resolution No. 174 adopted by the General Assembly at the 2004 Regular Session approves the purchase. This bill contains an emergency clause.

Patron - Hugo

HB2138 Elections; solicitation of absentee ballot applications or ballots. Makes it unlawful for anyone to solicit, in person, absentee ballot applications or ballots from more than two individuals in any hospital, nursing home, or assisted living facility. The prohibition does not apply to family members or to general or assistant registrars, electoral board members or their staffs. A violation of the section is a Class 1 misdemeanor under § 24.2-1017.

Patron - Purkey

HB2153 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909, HB 2636, and SB 1226.

Patron - Amundson

HB2172 Absentee ballot procedures. Modifies the current provision that voids an absentee ballot if the statutory procedures for voting absentee are not followed. The bill allows a ballot to be counted if there is substantial compliance with the procedures and the error or omission involved is not material in determining whether the ballot is the "valid vote of the absentee voter."

Patron - Johnson

HB2173 Absentee ballot procedures. Permits the local electoral board to send electronically, rather than by mail, the absentee ballot, a return envelope form, and instructions to absentee ballot applicants residing or stationed outside the continental United States.

Patron - Johnson

HB2204 Elections; primaries; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The appropriate party chairman for each election district of each political party must notify the State Board not less than 80 days before the primary of the party's determination who may participate in the party primary.

Patron - Marrs

HB2413 Elections; required number of voting machines and counters. Increases the number of machines required to one per 500, rather than 750, registered voters and number of counters required to one per 300, rather than 425, registered voters. The bill will take effect January 1, 2008.

Patron - Brink

HB2414 Elections; final testing of voting equipment before election. Requires testing to be done at least two weeks and no more than six weeks before the election and notice of the testing to be mailed at least five business days before the testing. The bill requires copies of the notice to be sent to the State Board of Elections and to the appropriate political party chairmen. The bill further requires local party chairs and candidates to furnish a letter designating their authorized representatives. The State Board is required to post a schedule of tests on its website for elections held on and after January 1, 2006.

Patron - Brink

HB2560 Electronic voting systems. Provides that direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device.

Patron - Cline

HB2603 House of Delegates Districts. Makes a technical adjustment between the Fifteenth and Twenty-fifth House of Delegates districts within Rockingham County so as to include territory annexed by the Town of Elkton in the Twenty-fifth district and eliminate the split of a precinct.

Patron - Landes

HB2611 Elections; training for persons conducting voter registration drives. Requires the State Board of Elections, local electoral board, or general registrar's office to furnish training, along with instructions, to any person to whom it furnishes 10 or more voter registration applications and who will be conducting a voter registration drive.

Patron - Hugo

HB2636 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions

concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909 and HB 2153 and SB 1226.

Patron - Ebbin

[F]HB2648 Elections; officers of elections; oaths. Gives the local electoral board discretion to appoint officers of election for a term not to exceed three years. Authorizes members of the electoral board and registrars to administer the oath of office to officers of election. This bill is identical to HB 2376.

Patron - Hurt

[F]HB2727 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports. Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General, and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and completeness, including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect January 1, 2006.

Patron - Scott, J.M.

[F]HB2728 Campaign finance disclosure; special reports of certain large contributions received by incumbent governing body members. Changes the deadline for filing the required reports to the end of the fifteenth, rather than fifth, day following receipt of the contribution. The bill also clarifies rules applicable to reporting aggregations of contributions.

Patron - Scott, J.M.

[F]HB2758 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superceded by the early voting process for the early voting period. The bill takes effect January 1, 2006. This bill is identical to SB 1076.

Patron - Ebbin

[F]HB2799 Brunswick County school board election. Provides for the first election of the school board members in November 2005 for two-year terms and for regular elections thereafter for four-year terms. This bill contains an emergency clause and is identical to SB 1065.

Patron - Wright

[F]HJ565 Young voters. Encourages the State Board of Elections and the Commonwealth's local electoral boards to increase their collaborative efforts to encourage young people to register and vote.

Patron - Van Yahres

[F]SB771 Campaign fundraising; legislative sessions. Removes the present ban on campaign fundraising during regular sessions for General Assembly members who are candi-

dates for statewide and federal offices and for statewide officials. The bill retains the present ban on fundraising during regular sessions for General Assembly members in connection with campaigns for election to the General Assembly.

Patron - Bell

[F]SB782 Absentee ballot procedures. Modifies the current provision that voids an absentee ballot if the statutory procedures for voting absentee are not followed. The bill allows a ballot to be counted if there is substantial compliance with ministerial procedures and the procedural error or omission involved is not material in determining whether the ballot is the "valid witnessed vote of the registered absentee voter." The State Board of Elections is required to promulgate uniform statewide instructions to implement the measure.

Patron - Mims

[F]SB838 Elections; absentee voting and absentee ballot applications. Adds to the list of reasons for which absentee ballots may be voted. The bill expands the category of caregivers entitled to vote absentee to include persons primarily and personally responsible for the care or schooling of one or more preschool or school-age children who are cared for or schooled at home. Names of persons cared for or schooled at home are not subject to public inspection or copying.

Patron - Cuccinelli

[F]SB849 Elections; absentee ballot procedures. Revises the procedures governing the situations in which a voter has applied for and failed to receive an absentee ballot or has received an absentee ballot and has lost it, defaced it, or wishes to return it and vote in person.

Patron - Howell

[F]SB868 Advisory referendum in the City of Hopewell; election of city council. Provides that a referendum shall be held on the question of whether the qualified voters desire the city to change the method of city council elections from the current seven ward system to a five ward, two at-large ward system.

Patron - Quayle

[F]SB883 Elections; voter identification requirements. Provides that voters must present identification containing a photograph and signature. The State Board of Elections is directed to provide a voter registration card with a photograph and signature for any person not having a driver's license or identification card issued by the Department of Motor Vehicles. Voters who do not offer valid identification may cast a provisional ballot. The bill is effective January 1, 2006.

Patron - Obenshain

[F]SB899 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that an unsigned copy of the completed application will be sent with the ballot to the applicant. The absentee ballot will be counted only if the signed application is returned with the ballot.

Patron - Norment

[F]SB973 Elections; compensation, expenses, and status of electoral boards and general registrars and their

staffs. Requires localities to provide civil service status and grievance procedures for staffs of electoral boards and registrars on a basis comparable to that provided to local employees.

Patron - O'Brien

[F]SB989 Elections; Director of State Board of Elections. Creates the position of Director of the State Board of Elections to be appointed by the Board, subject to confirmation by the General Assembly, to be the chief administrative officer for the Board. The Director will replace the present position of Secretary, a position now held by a Board member appointed and designated Secretary by the Governor.

Patron - Devolites Davis

[F]SB1044 Elections; primaries; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year, of the party rules governing who may participate in the party's primaries.

Patron - Martin

[F]SB1063 Reports of certain expenditures by voting equipment vendors. Provides for semi-annual filing of reports by voting equipment vendors of any expenditures made to influence the State Board of Elections, any local electoral board, general registrar, or local governing body to approve or acquire any mechanical or electronic device or equipment for use in elections in Virginia.

Patron - Lucas

[F]SB1065 Brunswick County school board election. Provides for the first election of the school board members in November 2005 for two-year terms and for regular elections thereafter for four-year terms. This bill contains an emergency clause and is identical to HB 2799.

Patron - Lucas

[F]SB1071 Citizenship status for purposes of voter registration and Department of Motor Vehicles applications and records. Provides that individuals shall state the same citizenship status for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. The bill also directs the State Board of Elections and Department to implement procedures to verify that the same citizenship status is shown on the voter registration system and Department records.

Patron - Cuccinelli

[F]SB1076 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process for the early voting period. The bill takes effect January 1, 2006. This bill is identical to HB 2758.

Patron - Ticer

[F]SB1104 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 75 or older on the election day may vote absentee.

Patron - Whipple

[F]SB1133 Absentee ballot procedures. Permits the local electoral board to send electronically, rather than by mail, the absentee ballot, a return envelope form, and instructions to absentee ballot applicants residing or stationed outside the continental United States.

Patron - O'Brien

[F]SB1226 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909, HB 2153, and HB 2636.

Patron - Ticer

Eminent Domain

Passed

[P]HB1820 Eminent domain; right of entry to inspect. Modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect and strengthening delivery requirements; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry and is awarded judgment in an amount 30 percent or more than the condemnor's final written offer, or if the court finds that the condemnor maliciously, willfully or recklessly damaged the owner's property, the court may award the owner reasonable court costs, attorney fees, and fees for up to three expert witnesses testifying at trial.

Patron - Suit

[P]HB1821 Eminent domain; acquisition of property. Modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer, the court may award the owner reasonable appraisal and engineering fees, and reasonable fees and travel costs for up to three expert witnesses testifying at trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.

Patron - Suit

[P]HB2427 Eminent domain; wetlands mitigation. Prohibits condemnation of any property for compensatory wetlands mitigation unless (i) the property sought to be acquired is located within the same locality as the project affecting wet-

lands, or (ii) the governing body of the locality where the property sought to be acquired consents to its acquisition for such purpose. The prohibitions do not apply to property acquired by the Commonwealth Transportation Commissioner pursuant to its power of eminent domain.

Patron - Cole

[P]SB301 Eminent domain. Provides that if property acquired by the power of eminent domain is declared surplus within 15 years of the condemnor's being vested with title, the condemnor must offer to sell the property to the former owner at the original sale price plus interest at an annual rate of six percent, with price adjustments made for any improvements to the property.

Patron - O'Brien

Fiduciaries Generally

Passed

[P]HB1577 Commissioners of accounts; vouchers and statements of assets. Eliminates the authority of a commissioner of accounts to require a fiduciary to produce the original check as proper verification of a specific payment or distribution to a beneficiary or distributee. This bill is identical to SB 995.

Patron - Reese

[P]HB1715 Fiduciaries; obligation to comply with prudent investor rule. Provides that the investment protections associated with the "legal list" do not operate to relieve a fiduciary of his obligations under Virginia's prudent investor rule.

Patron - Kilgore

[P]HB2170 Commissioners of accounts; fees. Authorizes a commissioner of accounts, for any services he may perform, to accept a lesser fee than that prescribed by the court or to waive a fee altogether.

Patron - Johnson

[P]HB2384 Accountings to the commissioner of accounts; no requirement where beneficiary is trustee. Eliminates the requirement to account to a commissioner of accounts with respect to a testamentary trust where the sole beneficiary is also a trustee. A "sole beneficiary" means a person who is (i) the only income beneficiary who is entitled to the principal, or the remaining principal goes to the trustee's estate, or (ii) the only income beneficiary and has either a general power of appointment over the principal or has a special power of appointment that is not limited to a particular class of persons.

Patron - Barlow

[P]HB2547 Fiduciaries; obligation to report nonresident status; penalty. Requires a fiduciary to notify the clerk and commissioners of accounts when he no longer is a resident of Virginia, and to provide them with his new address, within 30 days after the change in residency. Failure to report the change in resident status and new address may result in imposition of a \$50 civil penalty upon the fiduciary. This requirement does not apply to any fiduciary whose cofiduciary is a Virginia resident.

Patron - Van Landingham

[P]SB995 Commissioners of accounts; vouchers and statements of assets. Eliminates the authority of a commis-

sioner of accounts to require a fiduciary to produce the original check as proper verification of a specific payment or distribution to a beneficiary or distributee. This bill is identical to HB 1577.

Patron - Devolites Davis

Fire Protection

Failed

[F]HB2684 Fire Prevention Code; local fire prevention regulations. Provides that local governments may not adopt regulations more stringent than the state Fire Prevention Code that would affect the possession, transportation, handling, storage, sale, or use of firearms or small arms ammunition, including smokeless powder, black powder, and primers.

Patron - Lingamfelter

Fisheries and Habitat of the Tidal Waters

Passed

[P]HB2378 Wetlands board membership. Allows members of a local board that hears cases relating to the locally adopted Chesapeake Bay Preservation ordinance to also serve on a local wetlands board. Currently, there is a prohibition on members of the wetlands board holding a public office in the county or city. However, there is an exception that allows members of some bodies such as the local planning and zoning commissions, the local erosion commission, and the board of zoning appeals to also serve on the local wetlands board. This bill would add members of this locally established Chesapeake Bay Preservation ordinance board to the list of exceptions.

Patron - Rapp

[P]HB2452 Nonnative oysters. Authorizes the Commissioner of the Marine Resources Commission to allow the placement of nonnative *Crassostrea ariakensis* oysters on state-owned bottomlands. This bill requires that, 30 to 60 days before diploid or fertile *C. ariakensis* oysters are placed in state waters, the Commission is to hold at least one public hearing for the purpose of receiving data, views, and argument concerning the placement.

Patron - Suit

[P]HB2671 Jurisdiction of the Marine Resources Commission. Expands jurisdiction of the Marine Resources Commission to include all structures and improvements built or proposed by riparian property owners in the Potomac River appurtenant to the shore of the Commonwealth.

Patron - Plum

[P]HB2809 Menhaden management measures. Authorizes the Governor to issue a proclamation to implement measures to manage the menhaden fishery, if such measures are required by the Atlantic States Marine Fisheries Commission and the General Assembly is not in session to enact a statute to adopt such measures. Prior to issuing such a proclamation, the Governor, in consultation with the Secretary of Natural Resources and the Commissioner of the Virginia Marine Resources Commission, would have to determine whether the measures are (i) necessary for the conservation of

the Atlantic menhaden fishery and (ii) in accordance with scientific, biological, and social data.

Patron - Louderback

P HB2815 License required for certain fishing gear. Requires a person fishing with a cast net, dip net, or using up to two eel pots to obtain a saltwater recreational fishing license. Currently, such a license is required if a fisherman uses a rod and reel or handline, or while spearing or gigging.

Patron - Oder

P HB2816 Fishing guide license. Allows the recreational fishing license issued to a headboat and charterboat owner to cover all the passengers on his boat. Under current law, nonpaying customers on a licensed headboat or charterboat have to possess an individual saltwater recreational license. The bill also allows a headboat or charterboat owner to obtain an individual saltwater recreational license at no charge when he is issued the license for his boat.

Patron - Oder

P SB1232 Patrol of security zones. Authorizes the Virginia Marine Resources Commission's Marine Patrol to patrol and enforce violations of federal security zones located in Virginia's tidal waters. This will enable the Marine Patrol to arrest a mariner for violation of an exclusionary zone, with the criminal case being forwarded to the U.S. Attorney for prosecution. Currently, the Marine Patrol has enforcement powers only in safety zones. This bill has an emergency clause.

Patron - Wagner

P SB1248 Coordination of review of water resources projects. Establishes a coordinated process to review water resources projects that require both a permit from the Virginia Marine Resources Commission and an individual Virginia Water Protection Permit from the Department of Environmental Quality. The joint review process will also involve the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, as well as other interested agencies. The bill also provides a preapplication review process to those applicants who request it. A panel would be established to provide information and guidance to the applicant on the potential natural resource impacts and regulatory implications of the applicant's proposed project.

Patron - Bolling

Failed

F HB1795 Fishing of menhaden. Provides that the Marine Resources Commission may adopt regulations governing the fishing of menhaden.

Patron - Suit

F HB2909 Disbursement of moneys from saltwater fishing funds. Allows disbursements from the Marine Fishing Improvement Fund and the Virginia Saltwater Recreational Fishing Development Fund to be used as funding for the procurement of equipment and supplies related to the enforcement of saltwater fishing and tidal habitat laws and regulations.

Patron - Gear

Game, Inland Fisheries and Boating

Passed

P HB1646 Hunter education. Requires any person (i) who is 12 years of age or older; (ii) who is required to present a certificate of completion in hunter education to obtain a hunting license; and (iii) who is issued a hunting license by telephone, the Internet, or other electronic or computerized means, to carry his certificate of completion in hunter education on his person while hunting. This bill exempts any person who is 12 years of age through 15 years of age from this requirement if he is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license and certificate, if required.

Patron - Orrock

P HB1668 Game warden salaries. Repeals a 1950 Act of Assembly that requires Dickenson and Buchanan Counties to pay the salaries of the game wardens providing services to those counties. This law is no longer needed since all regular game wardens are employees of the Department of Game and Inland Fisheries and as such are paid by the Commonwealth.

Patron - Landes

P HB1669 Hunting with a rifle. Repeals a 1954 Act of Assembly that prohibits persons from hunting deer with a rifle in Essex County. This local act is no longer necessary since (i) the County has adopted an ordinance that prohibits the hunting of deer with a rifle greater than .22 caliber and (ii) the Game Department's regulations prohibit the hunting or killing of deer and bear with a rifle less than .23 caliber.

Patron - Landes

P HB1670 Hunting game. Repeals a 1952 Act of Assembly that prohibits hunting game in Buckingham County with a rifle larger than .22 caliber. This local act is no longer necessary since the County has adopted an ordinance that prohibits hunting game with such rifles. A locality is given the authority to adopt such a prohibition under § 29.1-528.

Patron - Landes

P HB1671 Carrying loaded firearms. Repeals a 1950 Act of Assembly that prohibited a person who is not authorized to hunt on private property on both sides of a highway from carrying a loaded firearm while on any part of the highway. This act applies in any county falling under certain population classifications. A person violating this act is subject to a fine of between \$10 and \$50. The act is no longer needed because the language of § 15.2-1209.1 is substantively the same, except the statute gives all counties the discretion of adopting an ordinance, while the uncodified act gives counties no such discretion.

Patron - Landes

P HB1827 Wildlife mounts. Allows nonprofit 501 (c) (3) organizations to sell wildlife mounts as part of their fund-raising activities.

Patron - Janis

P HB1917 Carrying a gun on Sunday; hunting. Clarifies that a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting will not be presumed to be hunting on Sunday in violation of

existing law, absent evidence to the contrary. This bill incorporates HB 1913.

Patron - Cole

[P]HB2029 Nonindigenous aquatic nuisance species; penalty. Imposes Class 1 misdemeanor penalty on anyone who knowingly introduces a snakehead fish into the Commonwealth. Under the current law any person who imports, possesses, transports, sells, purchases or introduces into the Commonwealth any nonindigenous aquatic nuisance species is subject to a civil penalty of not more than \$25,000, which is paid into the Game Protection Fund, as well as the costs incurred by the state and local government for the investigation, control, and eradication of the species. The bill includes an exemption from this civil penalty for a person who catches a snakehead fish if the individual has lawfully taken the fish, killed it, and reported his actions to the Department of Game and Inland Fisheries.

Patron - Amundson

[P]HB2102 Blaze orange exception. Exempts persons hunting with a bow and arrow from having to wear blaze orange when they are hunting in areas where the discharge of firearms is prohibited by state law or local ordinance.

Patron - Hugo

[P]HB2155 Selling of animal parts at auction. Allows licensed Virginia auctioneers and auction firms to sell, as a legitimate item of an auction, wildlife mounts that have undergone the taxidermy process.

Patron - Nutter

[P]HB2200 Crossbow license. Authorizes the Board of Game and Inland Fisheries to create a special crossbow license allowing the purchaser to hunt with such a weapon during special archery seasons. The cost of the license will be set by the Board of Game and Inland Fisheries, but cannot exceed one and one-half times the cost of a basic hunting license. Under current law, only disabled people who meet certain agency criteria are allowed to hunt with a crossbow. To hunt with a crossbow, a person must also purchase the special archery license and the basic hunting license.

Patron - Abbitt

[P]HB2273 Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to SB 1083.

Patron - Oder

[P]HB2689 Offshore blind stake sites; penalty. Gives the owners, their lessees or permittees of land that is adjacent to the waters in Stafford, Prince William, and Fairfax, the exclusive privilege of erecting stationary blinds on their shoreline. Under this bill, which amends a 1928 Act of Assembly, they are also given the prior right to erect stationary blinds in the waters in front of their property. However, they forfeit the privilege and the prior right if they do not erect the blind by November 1. This bill would increase the penalty for violation of the act to a Class 2 misdemeanor from the current fine of between \$10 and \$100 or confinement in jail for no more than a year, or both. The bill also removes the prohibition on hunting migratory waterfowl from floating blinds in the waters of Caroline, Essex, King George, Richmond and Westmoreland Counties, and in portions of creeks, streams, and bays flowing into the Rappahannock and Potomac Rivers, through the establishment of an offshore blind stake site license. The cost of a stake site license is \$5 and there is a limit of four stake site

licenses per applicant. The bill describes the various siting requirements and times when and by whom the stake site license has to be obtained. The penalty for violation of the act is increased from a fine of not less than \$50 nor more than \$250 or by confinement in jail for not more than 30 days, or both, to a Class 2 misdemeanor.

Patron - Pollard

[P]HB2887 Duck stamp. Establishes the Virginia Migratory Waterfowl Conservation Stamp. A person must obtain this \$9.75 stamp in order to hunt migratory waterfowl. The proceeds from the sale of the stamp will be deposited in a special account to be used to fund (i) expenses associated with administering the stamp program, (ii) habitat improvement grants to nonprofit organizations, and (iii) Department of Game and Inland Fisheries initiatives to protect, restore, enhance, and develop waterfowl habitat.

Patron - Lingamfelter

[P]SB1057 Title to abandoned vessel. Reduces from 12 months to 60 days the time that has to elapse before a landowner, his lessee, or his agent may begin the process to acquire title to any vessel abandoned on his land or the water immediately adjacent to his land. The current law establishes a procedure a property owner must follow that includes requirements for notification of the owner of the abandoned vessel in order to obtain title to such vessel.

Patron - Wagner

[P]SB1083 Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to HB 2273.

Patron - Ticer

[P]SB1150 Hunting incidents causing severe physical injury; assistance, reporting. Requires any law-enforcement agency or emergency medical service provider that receives a report that a person engaged in hunting has suffered serious bodily injury or death to give notice to the Department of Game and Inland Fisheries.

Patron - Stolle

[P]SB1197 Game wardens. Requires the Department of Game and Inland Fisheries to have at least one game warden whose primary responsibility is to patrol during the daylight hours of boating season on those lakes in Virginia that (i) are the size or larger than Smith Mountain Lake and (ii) have a boating accident record comparable to Smith Mountain Lake.

Patron - Newman

Failed

[F]HB2026 Personal flotation devices; penalty. Requires coaches of water sports to wear personal flotation devices while operating motorboats. Violation of this section is a Class 4 misdemeanor.

Patron - Amundson

[F]HB2505 Erection of stationary duck blinds. Gives the owners, their lessees or permittees of land west of Interstate Route 95 that is adjacent to the waters in Stafford, Prince William, and Fairfax, the exclusive privilege of erecting stationary blinds on their shoreline. Under this bill, which amends a 1928 Act of Assembly, they are also given the prior right to erect stationary blinds in the waters in front of their property. However, they forfeit the privilege and the prior right if they do not

erect the blind by November 1. The 1928 law applies to land abutting waters in the three counties, as well as King George County, without distinction between locations east or west of I-95. This bill would increase the penalty to a Class 2 misdemeanor from the current fine of between \$10 and \$100 or confinement in jail for no more than a year, or both. The bill also repeals a 1942 Act of Assembly that prohibits hunting from floating blinds in the Counties of Caroline, King George, Essex, Westmoreland, and Richmond, and in several segments of the Rappahannock and Potomac Rivers.

Patron - Shuler

[F]SB909 Personal flotation devices required for children; penalty. Requires all children six years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. A boat operator who violates this provision is guilty of a Class 4 misdemeanor which will be dismissed if the operator completes a boating safety education course. The bill has an effective date of January 1, 2006. This bill is identical to SB 1061.

Patron - Norment

[F]SB1061 Personal flotation devices required for children; penalty. Requires all children six years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. A boat operator who violates this provision is guilty of a Class 4 misdemeanor which will be dismissed if the operator completes a boating safety education course. The bill has an effective date of January 1, 2006. This bill is identical to SB 909.

Patron - Lucas

General Assembly

Passed

[P]HB2131 Session per diem for General Assembly administrative assistants. Increases the session per diem of administrative assistants to equal the amount received by members of the General Assembly. Administrative assistants currently receive 85 percent of the amount authorized for members of the General Assembly.

Patron - Gear

[P]HB2144 Gubernatorial appointments; confirmation processes. Provides for delivery of resumes and statements of economic interests for gubernatorial appointees by the Secretary of the Commonwealth to the two Committees on Privileges and Elections and for a joint subcommittee of the

two Committees to review those papers. This bill is a recommendation of the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth (HJR 13, 2004). This bill is identical to SB 999.

Patron - Joannou

[P]HB2586 Joint Commission on Technology and Science; clarifications for collegial bodies. Conforms the Joint Commission on Technology and Science's requirements to meet legislative guidelines adopted by the Joint Rules Committee. The bill also makes procedural amendments such as reducing the quorum from six to five members, increasing the term of the chair and vice-chair to a two-year term coincident with the term of office for House members, and changing references from Commission to JCOTS.

Patron - Cosgrove

[P]HB2588 Brown v. Board of Education Scholarship Program and Fund. Amends, reorganizes, and moves the statute creating the Brown v. Board of Education Scholarship Program and Fund to Title 30. Currently, a part of the law is codified in Title 23. The bill also (i) includes several technical amendments to provide clarity and consistency; (ii) reinstates language inadvertently omitted; (iii) prohibits the use of scholarship funds for theological education; (iv) authorizes the Awards Committee to seek, receive, and expend nonstate funds; and (v) resolves the issue of the separation of powers by requiring the State Council of Higher Education to advise and provide technical assistance to the Awards Committee in a manner consistent with its statutory responsibilities for higher education in the Commonwealth. Under the current law, the Scholarship Program and the Awards Committee are created within the legislative branch; however, administration of the Program is shared between the legislative and executive branch agencies. The bill also waives the Standards of Learning requirements and assessments for persons awarded a scholarship under the Program and who are enrolled in a preparation program for the General Education Development (GED) certificate or an adult basic education program for the high school diploma. Also, for the purpose of verifying the domicile of applicants, the Awards Committee is authorized to establish a list of acceptable documents consistent with those required to obtain a Virginia driver's license or identification card, and to access vital records. In addition, the Awards Committee must establish a protocol to facilitate the dual enrollment of eligible students in adult basic education programs and degree programs, and the conventional enrollment of such students in public and private two-year institutions of higher education. Further, the Awards Committee is charged to develop and implement a system that provides transition programs and services to prepare eligible students for academic success in GED preparation and adult basic education programs, and college. The second enactment clause allows students who are enrolled in an approved education program when the Program expires to complete their education through the renewal of the scholarship, if they demonstrate satisfactory academic achievement. The third enactment clause delegates to the State Council of Higher Education the responsibility to review and approve applications for renewal of scholarship awards of students who were enrolled in approved education programs when the Program expired. The fourth enactment clause repeals Chapter 4.4:5 of Title 23, consisting of §§ 23-38.53:21 through 23-38.53:24, and Chapter 34 of Title 30, consisting of §§ 30-226 through 30-231. This bill has an emergency clause and is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Melvin

[P]SB804 Martin Luther King, Jr. Living History and Public Policy Center Board of Trustees. Establishes the Martin Luther King, Jr. Living History and Public Policy Center as an independent nonprofit corporation exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code for the purpose of implementing the provisions of subdivision 6 of § 30-192.4, which requires the Commonwealth to establish a permanent statewide memorial to Dr. Martin Luther King, Jr. The bill amends the membership of the Board of Trustees for the Martin Luther King, Jr. Living History and Public Policy Center to provide for two members of the Senate, four members of the House of Delegates, one representative of the named institutions of higher education upon the recommendation of the president, and four nonlegislative citizen members to be appointed by the Senate Committee on Rules and the Speaker of the House of Delegates. Reappointment to the Board is contingent upon members attending at least one-half of the Board meetings during their current term of service. In addition, the provision pertaining to the initial hiring of certain employees by the Board has been removed in order that the Board's authority may be consistent with similar nonprofit, federal tax exempt organizations. This bill is a recommendation of the Martin Luther King, Jr. Living History and Public Policy Center Board of Trustees.

Patron - Marsh

[P]SB905 Capitol restoration; sale of surplus property and transfer of proceeds. Provides for the sale of surplus property from the Virginia Capitol restoration and expansion project and the transfer of the net proceeds from the sale to the Virginia Capitol Preservation Foundation. The bill also provides that the Department shall conduct a separate sale of the chairs used in the chambers of the houses to the current and former members of the General Assembly.

Patron - Norment

[P]SB999 Gubernatorial appointments; confirmation processes. Provides for delivery of resumes and statements of economic interests for gubernatorial appointees by the Secretary of the Commonwealth to the two Committees on Privileges and Elections and for a joint subcommittee of the two Committees to review those papers. This bill is a recommendation of the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth (HJR 13, 2004). This bill is identical to HB 2144.

Patron - Devolites Davis

[P]SB1034 Brown v. Board of Education Scholarship Program and Fund. Amends, reorganizes, and moves the statute creating the Brown v. Board of Education Scholarship Program and Fund to Title 30. Currently, a part of the law is codified in Title 23. The bill also (i) includes several technical amendments to provide clarity and consistency; (ii) reinstates language inadvertently omitted; (iii) prohibits the use of scholarship funds for theological education; (iv) authorizes the Awards Committee to seek, receive, and expend nonstate funds; and (v) resolves the issue of the separation of powers by requiring the State Council of Higher Education to advise and provide technical assistance to the Awards Committee in a manner consistent with its statutory responsibilities for higher education in the Commonwealth. Under the current law, the Scholarship Program and the Awards Committee are created within the legislative branch; however, administration of the Program is shared between the legislative and executive branch agencies. The bill also waives the Standards of Learning requirements and assessments for persons awarded a scholarship under the Program and who are enrolled in a preparation program for the General Education Development (GED) certifi-

cate or an adult basic education program for a high school diploma. Also, for the purpose of verifying the domicile of applicants, the Awards Committee is authorized to establish a list of acceptable documents consistent with those required to obtain a Virginia driver's license or identification card, and to access vital records. In addition, the Awards Committee must establish a protocol to facilitate the dual enrollment of eligible students in adult basic education programs and degree programs, and the conventional enrollment of such students in public and private two-year institutions of higher education. Further, the Awards Committee is charged to develop and implement a system that provides transition programs and services to prepare eligible students for academic success in GED preparation and adult basic education programs, and college. The second enactment clause allows students who are enrolled in an approved education program when the Program expires to complete their education through the renewal of the scholarship, if they demonstrate satisfactory academic achievement. The third enactment clause delegates to the State Council of Higher Education the responsibility to review and approve applications for renewal of scholarship awards of students who were enrolled in approved education programs when the Program expired. The fourth enactment clause repeals Chapter 4.4:5 of Title 23, consisting of §§ 23-38.53:21 through 23-38.53:24, and Chapter 34 of Title 30, consisting of §§ 30-226 through 30-231. This bill has an emergency clause and is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Lambert

[P]SB1115 Appointment and organizational requirements for certain collegial bodies. Makes certain technical or clarifying changes to the appointment and organization of the following collegial bodies: the State Council for Interstate Adult Offender Supervision, the Joint Commission on Administrative Rules, the Alzheimer's Disease and Related Disorders Commission, the Child Support Guidelines Review Panel, the Commonwealth Competition Council, the Consumer Advisory Board to assist the Commission on Electric Utility Restructuring, the Education Commission of the States, the Frontier Culture Museum, the Joint Commission on Health Care, the Council on Indians, the Indigent Defense Commission, the Virginia Commission on Intergovernmental Cooperation, the Jamestown-Yorktown Foundation, the Virginia Land Conservation Board of Trustees, the Special Advisory Commission on Mandated Health Insurance Benefits, the Advisory Commission on the Virginia Schools for the Deaf and the Blind, the Virginia Delegation to Multistate Tax Administration Discussions, the Tobacco Indemnification Community Revitalization Commission, the Commission on VASAP, the Board of Veterans Services, the Virginia War Memorial Foundation. Most of the revisions are related to changing the Senate appointing authority from the Senate Committee on Privileges and Elections to the Senate Committee on Rules. The other amendments are technical and follow the legislative guidelines established by the Joint Rules Committee regarding the organization of collegial bodies.

Patron - Norment

Failed

[F]HB1686 Bills authorizing debt. Provides that no bill authorizing the Commonwealth or any institution, agency, or authority thereof to incur debt shall be considered by a committee of the General Assembly without having a written estimate, prepared by the Department of Planning and Budget, of the total cost of issuing and paying off the debt.

Patron - Orrock

HB1707 Virginia Commission on the Offices of the Clerks of the Circuit Courts. Creates a legislative commission to study, report and make recommendations on the operations of the clerks' offices of the circuit courts. The Commission expires on July 1, 2007.

Patron - Kilgore

HB1759 Process for committee consideration of carried-over legislation. Establishes a formal process for standing committee action on carried-over legislation by requiring consideration of bills and resolutions prior to June 30 with an opportunity for the chief patron to address the merits of the legislation at that meeting. If additional information is needed by the committee, this information must be obtained prior to December 1 when the committee must complete all work on the measure and take final action on the bill or resolution. The chief patron is again given an opportunity to present argument relative to the bill or resolution at this meeting of the committee.

Patron - Dillard

HB1776 General Assembly; introduction limits. Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills, joint resolutions, and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; (iii) involves the confirmation of gubernatorial or circuit court appointees or the election of judges or other officials by the General Assembly; and (iv) affects the procedures or schedule of the General Assembly. The provisions of the bill will expire on July 1, 2007.

Patron - Purkey

HB2154 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Beginning January 11, 2006, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by November 1, 2005, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

Patron - Brink

HB2607 Revenues; excess returned to taxpayers. Requires the General Assembly to refund to taxpayers in equal amounts the revenues, as of June 30 each fiscal year, in excess of the amount appropriated in the appropriations act for such fiscal year, having reserved the amounts required for the Revenue Stabilization Fund and the Water Quality Improvement Fund.

Patron - Cline

HB2733 Relating to Small Business Commission; membership and duties. Adds the Lieutenant Governor to the

Small Business Commission, provides that he will serve as chairman of the Commission, and that the Office of the Lieutenant Governor will provide administrative staff support together with the Office of the Clerk of the Senate. Also, the Commission is required to review and comment on the effectiveness of economic impact analyses prepared by the Department of Planning and Budget, and annually publish its agenda for the fiscal year and seek the participation of small business owners and advocates in agenda discussions.

Patron - Baskerville

HR27 House of Delegates; session coverage. Directs the House Rules Committee to adopt procedures no later than the first day of the 2006 Regular Session of the General Assembly that provide for the video and audio feed of the daily sessions of the House of Delegates to public television and other broadcast entities.

Patron - Armstrong

SB1134 The Council on Capitol Square. Establishes a permanent council to operate, maintain, and preserve Capitol Square, which includes the State Capitol, the Executive Mansion, the Bell Tower, and the area surrounding the Capitol enclosed by the iron fence installed in 1818 and its extension. The council will have the sole authority to coordinate and approve any additions, improvements, or renovations and will oversee the state appropriated funds for the operation, maintenance, and renovation of Capitol Square.

Patron - Norment

SB1292 Suspension of final rule or regulation. Provides that if the Commission makes a determination to suspend a final rule or regulation within 30 days of the beginning of the regular legislative session, the suspension shall run until the end of the second succeeding regular legislative session, notwithstanding §§ 2.2-4014 and 2.2-4015. This omits the previous timeline, which ran until the end of the legislative session.

Patron - Wagner

General Provisions of Virginia Code

Passed

HB2640 Recodification of Titles 1 and 7.1; General Provisions and Boundaries, Jurisdiction and Emblems of the Commonwealth. In accordance with § 30-152 of the Code of Virginia, the Virginia Code Commission, in May 2003, commenced its revision of Title 1. Title 1 contains the original provisions related to the enactment of the 1950 Code of Virginia and the statutory rules of construction that apply to the Code of Virginia and the uncodified acts of the General Assembly. At the May meeting, the Commission decided to expand the scope of the revision to include the incorporation of Title 7.1 (Boundaries, Jurisdiction and Emblems of the Commonwealth) into Title 1. Titles 1 and 7.1 were last revised in 1966. The revision provided an opportunity to combine two titles of a general nature that contained many provisions of fundamental and historical significance. The revision of Title 1 presented unique challenges compared to other title revisions. Because the provisions of Chapter 1 were part and parcel to the creation of the Code of 1950, they needed to be retained without any change in substance or form. This limitation necessitated that the revisions be done at the chapter level. The new Title 1 contains four revised chapters in which obsolete and

duplicative provisions have been removed, nomenclature updated, and the structure and clarity of the laws improved.

Patron - Hurt

[P]SJ388 Virginia Code Commission. Advises the citizens of Virginia of the intention of the Virginia Code Commission to publish a 2007 Code of Virginia to replace the Code of 1950.

Patron - Mims

Failed

[F]HB2097 Associational standing; definition of person aggrieved. Confers associational standing in Virginia as articulated in *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333 (1977). Virginia currently follows the common law rule that the person seeking standing must have an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.

Patron - Hugo

Health

Passed

[P]HB1570 Information on nosocomial infections. Requires acute care hospitals to report information about nosocomial infections to the Centers for Disease Control and Prevention's National Healthcare Safety Network. Nosocomial infections are acquired in a hospital or other health care setting. The hospitals must release their infection data to the Board of Health. The Board's regulations will determine the hospitals that will be required to report, and the specific infections and patient populations to be included in the data. Upon request, hospital infection rate data may be released to the public by the Board. The bill takes effect July 1, 2008.

Patron - Purkey

[P]HB1624 Department of Medical Assistance Services; implementation of Medicare Part D benefit. Grants the Board of Medical Assistance Services emergency regulatory authority to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. The bill also directs the Department of Medical Assistance Services to convene a task force, upon the implementation of the Medicare Part D program, of public and private stakeholders to assist the Department in evaluating the federal program and make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs for low-income Virginians and the Medicare Part D benefit. The Department must report its findings and recommendations to the Governor and General Assembly by November 1, 2006. This bill is identical to SB 841.

Patron - Purkey

[P]HB1687 Vital records; grandchild's birth certificate. Requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

Patron - Alexander

[P]HB1727 Vital statistics; death certificates. Requires the Board of Health, in its regulations on public or private agencies or persons obtaining copies of death certificates in the conduct of their official duties, to include within its definition of "legal representative" (i) any attorney licensed to practice law in Virginia, upon presentation of his bar number and evidence of need to obtain such copy; and (ii) any funeral service licensee or funeral director licensed to practice by the Board of Funeral Directors and Embalmers, upon presentation of evidence of licensure to so practice and evidence of being in charge of final disposition of the registrant's dead human remains or cremains or evidence of need to obtain such copy.

Patron - Alexander

[P]HB1798 Public Benefits; proof of legal presence. Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence. This bill is identical to SB 1143.

Patron - Albo

[P]HB1824 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance by the federal Department of Health and Human Services of a panel of recommended tests, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include (i) a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, (ii) follow-up and referral protocols and necessary provisions to implement the newborn screening services, and (iii) any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill incorporates HB 2511 and HB 2801 and is identical to SB 1184.

Patron - Frederick

[P]HB2018 Bedding and upholstery. Provides that a retailer may sell, give away, or rent used upholstered furniture that has been purchased by the retailer as new when such upholstered furniture has been used in the course of business. Such used furniture must be (i) conspicuously identified as used and (ii) reduced in price, sold at auction, donated to charity, or made available for a rental fee, and so tagged. Technical amendments are also included.

Patron - Hall

[P]HB2073 Testing of sewage sludge. Allows an individual to make a timely request of the Department of Health

and Environmental Quality that it obtain a sample of sewage sludge at a specific site prior to land application. The Department shall submit the sample to a certified laboratory for analysis. The person requesting the testing is responsible for paying the cost of obtaining and analyzing the sample.

Patron - Hogan

HB2197 Notice of sewage sludge application. Requires a person holding a permit to apply sewage sludge to the land to give notice to the local government at least 100 days prior to applying the sewage sludge. The notice will identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. The notice requirement shall not apply to any application commenced prior to October 10, 2005.

Patron - Abbitt

HB2198 Training for sewage sludge testers. Requires the Board of Health and the Department of Health to establish a program to train in testing and monitoring sewage sludge employees of those local governments that have adopted a biosolids ordinance. The bill states what, at a minimum, the training shall include. The Health Department is authorized to charge trainees a reasonable fee to recover the costs of preparing course materials and providing facilities and instructors for the program.

Patron - Abbitt

HB2236 Hospitals sharing patient health data. Requires the Board of Health to implement regulations that require hospitals to have interoperability and sharing of patient health data through common data reporting formats and standardized methods of transmission while maintaining protections for the privacy of personal health information. The law will not go into effect unless it is reenacted by the 2006 General Assembly.

Patron - O'Bannon

HB2238 Board of Health regulations; emergency medical services personnel training, agency response times, and enforcement provisions; civil penalties. Requires the State Board of Health to prescribe, in regulation, requirements for (i) training for emergency medical services personnel; (ii) a uniform definition of "response time" and requirements for measuring response times from the time a call is received until the time the unit is responding and the arrival at the scene as well as collection and reporting of emergency response times; and (iii) enforcement provisions, including fines, to be assessed by the State Health Commissioner against any agency, or other entity found to be in violation of the emergency medical services statutes or regulations. All amounts paid as fines are to be allocated to the emergency medical services special fund.

Patron - O'Bannon

HB2243 Medical care facilities certificate of public need; parties to the case. Revises the designation of the parties to the case if an informal fact-finding conference is determined to be necessary by the Department of Health or is requested by a person seeking good cause standing. In such cases, the designation of the parties to the case will include the relevant health planning agency. In present law, the health planning agency is only a party to the case if its recommendation was to deny the application.

Patron - O'Bannon

HB2253 Statewide Emergency Medical Services Plan. Adds several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health. These requirements include (i) publishing the Plan, (ii) expanding paramedic and advanced life support training, (iii) establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, a statewide emergency medical services for children program, a statewide system of health and medical emergency response teams, and a program to improve dispatching of emergency medical services, and (iv) identifying and establishing best practices for managing agencies and improving response times. The bill also deletes an obsolete cross-reference relating to automated external defibrillators. This bill incorporates HB 2039 and HB 2239.

Patron - Bell

HB2284 Children's health insurance through employer-sponsored health insurance programs. Requires the Department of Medical Assistance Services to amend the Family Access to Medical Insurance Security Plan and related regulations to simplify the administration of its premium assistance program available to families with children eligible for FAMIS who have access to employer-sponsored health insurance coverage. The bill removes the requirement that the Plan provide wraparound benefits for benefits not included in the employer-sponsored health insurance benefit plan.

Patron - Brink

HB2316 Certificate of Public Need; relocation of certain nursing home beds under limited circumstances. Establishes criteria for applications for limited relocation of nursing home beds for facilities under common ownership and control, if required criteria are met relating to (i) occupancy rates of both the facility from which and the facility to which the beds are to be relocated, and (ii) temporary staffing hours and the origin of residents for the facility from which the beds are being moved. The Commissioner is authorized to issue a certificate under these circumstances regardless of the components of any Request for Applications, etc.

Patron - Griffith

HB2363 Health records privacy. Emphasizes the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records. This bill is identical to SB 1064.

Patron - Melvin

HB2366 Design and construction of hospitals and nursing homes. Requires the Board of Health, in a section 1 bill, to promulgate regulations pursuant to § 32.1-127 of the Code of Virginia for the licensure of hospitals and nursing homes. The regulations must include minimum standards for the design and construction of hospitals, nursing homes, and certified nursing facilities consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health. This bill is identical to SB 1024.

Patron - Bryant

HB2430 Health care provider data services. Requires the nonprofit organization (Virginia Health Information) with which the Commissioner of Health contracts for compiling, storing, and making available health care provider data to collect data on safety services and quality of health care services rendered by physicians. The board of directors of the nonprofit organization must work with the Board of Medicine to determine the information to be collected and the costs thereof, and identify sufficient funding sources to appropriate to physicians for such data collection. The bill includes a reenactment clause and will, therefore, not go into effect unless reenacted by the 2006 Session of the General Assembly.

Patron - Hamilton

HB2451 Validity of certain septic tank permits; waivers. Excludes certain transfers of real property from the current provision that waivers granted for certain failing onsite sewage systems are nontransferable and limits the waiver provisions to systems on real property with 1 to 4 dwelling units. Currently, whenever any onsite sewage system is failing and the Board's regulations for repairing the system impose (i) a requirement for treatment beyond the level of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements; however, the waivers are not transferable except between a husband and a wife. In addition to the new transfer exclusions for these residential properties, the bill requires the owner of the residential real property with the waived onsite sewage system to provide a written disclosure to the purchaser; the purchaser will have certain time lines and processes for terminating the contract. Real estate licensees will have a duty to inform owners and purchasers of their rights. The Real Estate Board is charged with enforcement of the disclosure, termination, and real estate licensees' duties under this provision.

Patron - Suit

HB2515 Charge for copying health records. Distinguishes between the charges that may be levied by a health care provider (also referred to as "health care entity") for copies of health records when the patient requests his own health records and the records are subpoenaed or otherwise requested by a third party. The patient (individual who is the subject of the record) will be charged "a reasonable cost-based fee" that will only include costs of supplies and labor, postage, and preparation of any summary of the information. Current charges authorized for copies in anticipation of litigation or in the course of litigation will not apply to patients requesting their own records. This bill is identical to SB 1203.

Patron - O'Bannon

HB2516 Health records privacy; minors' records. Revises certain provisions relating to minors' health records to provide a measure of consistency with the federal regulations that were promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act concerning access to and authority to disclose protected health information. This bill is identical to SB 1109.

Patron - O'Bannon

HB2519 Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia, to the extent funds are appropriated by the Gen-

eral Assembly or otherwise made available. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease. The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds. This bill is identical to SB 1132.

Patron - O'Bannon

HB2522 State Emergency Medical Services Advisory Board; membership. Increases Board membership from 25 to 28 by including one representative from each of the regional emergency medical services councils. Current law states that each of the "eight" regional councils shall be represented, but 11 such councils actually exist. The bill also deletes an obsolete cross-reference regarding the automated external defibrillator registry, which no longer exists. This bill is identical to SB 1145.

Patron - O'Bannon

HB2523 Localities' authority to charge insurers for ambulance services. Clarifies that localities are currently permitted to charge insurers for ambulance services provided to any person covered by an accident and sickness insurance policy that provides coverage for ambulance services.

Patron - O'Bannon

HB2624 Injection of sewage sludge. Provides that surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. This bill also directs the Board of Health to develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestland, or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan. The extended buffers may be included by the Department as site specific permit conditions.

Patron - Byron

HB2639 Medical care facilities certificate of public need. Requires the Commissioner of Health to reissue a Request for Applications for 60 new nursing home or nursing facility beds in Planning District 12 when the scheduled construction date has passed, the company issued a certificate pursuant to a 1997 Request for Applications has not begun construction, and the certificate has expired. The Commissioner may give preference to an application that proposes a new facility within three miles of the boundary of the county seat or in the county seat of the county in which the nursing facility granted the previously-issued certificate is located.

Patron - Hurt

HB2656 Pilot programs for obstetrical and pediatric care in certain areas. Permits the Board of Health to approve pilot programs to improve access to obstetrical and pediatric care in areas of the Commonwealth where these ser-

vices are severely limited. Obstetrical care includes prenatal, delivery, and post-partum care. The pilot programs will be jointly developed and submitted to the Board by nurse practitioners licensed in the category of certified nurse midwife, certain perinatal centers as determined by the Board, obstetricians, family physicians, and pediatricians. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of nurse midwife who participate in a pilot program shall associate with perinatal centers recommended by the Board and physicians, but shall not be required to have physician supervision. The Department shall convene stakeholders, including nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, pediatricians, and family physicians, to establish protocols to be used in the pilot programs no later than October 1, 2005. The pilot programs shall not provide or promote home births. The Department shall evaluate and report on the impact and effectiveness of the pilot programs in meeting the program goals and submit a report to the Joint Commission on Health Care by November 15, 2006, and annually thereafter. The bill requires the Boards of Medicine and Nursing, the Departments of Health Professions and Medical Assistance Services, and the Bureau of Insurance to provide assistance to the Department of Health in establishing and evaluating the pilot programs.

Patron - Hurt

[P]HB2805 Sewage sludge; penalty. Directs that sewage sludge be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. This bill prohibits any person from altering the composition of sewage sludge at the site where the sewage sludge is being applied. However, the addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition.

Patron - Hogan

[P]HB2831 Health; publication of certain data on clinical drug trials. Requires the Secretary of Health and Human Resources to make available on the appropriate state health-related websites, information directing citizens to publicly available information on clinical drug trials and other clinical studies. This bill is identical to SB 1278.

Patron - Watts

[P]HJ574 Chronic Kidney Disease. Recognizes Chronic Kidney Disease as a health disparity and encourages licensed health care providers to develop a plan for early identification and implementation of an appropriate clinical management program for individuals at highest risk for Chronic Kidney Disease.

Patron - Ward

[P]HJ605 Palliative care. Encourages Virginia's health care community to increase the education and training of health care professionals in the techniques and benefits of palliative care, and to increase patient awareness regarding palliative care as a treatment component, in order to improve the overall quality of life for those suffering from chronic conditions, and to more effectively and efficiently treat the growing population of citizens suffering from chronic illnesses. This resolution is identical to SJR 352.

Patron - Morgan

[P]HJ701 "Wrap-around" discount card coverage available for some Medicare prescription drug card beneficiaries; resolution. Encourages the Commissioner of the Department for the Aging and the Commissioner of Health to provide information on wrap-around coverage offered by some

pharmaceutical companies for low-income Medicare beneficiaries who exhaust their transitional assistance credit.

Patron - Brink

[P]HJ702 Distribution of certain information by Mission of Mercy. Encourages the Department for the Aging, the Department of Medical Assistance Services, and the Department of Health to consult with the Virginia Dental Association and the Virginia Health Care Foundation on the feasibility of using the Mission of Mercy program to disseminate information concerning prescription assistance programs and prescription drug discount cards. This resolution is identical to SJR 363.

Patron - Morgan

[P]HJ818 High deductible health insurance plans and quality initiatives. Requests the Medical Society of Virginia, Virginia Association of Health Plans, Virginia Hospital and Healthcare Association, Board of Medicine, and Department of Health to meet and report concerning educational initiatives regarding high-deductible health insurance plans during the summer and fall of 2005.

Patron - Hamilton

[P]SB792 Virginia Tobacco Settlement Board of Trustees; executive committee; annual report. Authorizes the Virginia Tobacco Settlement Board of Trustees to establish an executive committee to transact the business of the Board in its absence. The executive committee is composed of the chairman, vice chairman, and three additional members of the Board. The bill also specifies March 31 as the date for the Board to provide its annual report to the Governor and General Assembly.

Patron - Watkins

[P]SB841 Health; implementation of federal Medicare Part D benefit; task force on prescription drug assistance for low-income Virginians. Directs the Board of Medical Assistance Services to promulgate necessary regulations to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. Upon implementation of the Medicare Part D program, the Department of Medical Assistance Services shall convene a task force to assist the Department in evaluating the Medicare Part D benefit and to make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs for low-income Virginians and the Medicare Part D benefit. The Department shall report its findings and recommendations to the Governor and General Assembly by November 1, 2006. Authority for emergency regulations is included. This bill is identical to HB 1624.

Patron - Deeds

[P]SB953 Pharmaceutical assistance; The Pharmacy Connection program. Requires, in order to maximize the benefits of the new Medicare pharmaceutical discount card program for Virginia's Senior Citizens, that the Commissioner of Health annually for two years commencing on July 1, 2005, (i) analyze access to The Pharmacy Connection program vis-a-vis the Medicare pharmaceutical discount card program, the \$600 transitional coverage provided under federal law, and pharmaceutical companies' offers of "wrap-around" coverage for low-income seniors; and (ii) recommend, to the Virginia Health Care Foundation, the Secretary of Health and Human Resources, and the Governor, appropriate localities for expansion of access to The Pharmacy Connection program in Virginia, particularly in areas having high concentrations of low-income seniors. The goal of the Commissioner's analysis will be to facilitate statewide implementation of The Pharmacy Connection program. The Commissioner must complete this

analysis by October 31 of each year and shall immediately request an estimate of the costs of the recommended expansion of such access from the Virginia Health Care Foundation to be forwarded to the Secretary and the Governor, for inclusion in the appropriation act, insofar as possible and appropriate to promote the health and safety of Virginia's low-income senior citizens.

Patron - Potts

[P]SB1024 Licensure of hospitals and nursing homes; Board of Health. Directs the Board of Health to promulgate regulations for the licensure of hospitals and nursing homes. The regulations must include minimum standards for the design and construction of hospitals, nursing homes, and certified nursing facilities consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health. The Board is required to promulgate emergency regulations to implement this provision. This bill is identical to HB 2366.

Patron - Newman

[P]SB1030 Office of the Chief Medical Examiner; confidentiality of certain information and records collected and maintained. Provides that confidential records and information obtained from private and public entities and provided to the Office of the Chief Medical Examiner (OCME) during the course of a death investigation and records collected and maintained during the course of investigations, surveillance programs or research or studies of deaths having a public health importance by the OCME are not subject to the provisions of the Freedom of Information Act. The bill also provides that confidential records received by the OCME from third-parties continue to be confidential and are protected from legal discovery.

Patron - Lambert

[P]SB1064 Health records privacy. Emphasizes the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records. This bill is identical to HB 2363.

Patron - Martin

[P]SB1109 Health records privacy; minors' records. Revises certain provisions relating to minors' health records to provide a measure of consistency with the federal regulations that were promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act concerning access to and authority to disclose protected health information. This bill is identical to HB 2516.

Patron - Blevins

[P]SB1111 State Registrar of Vital Records; compilation of certain marriage, divorce, and annulment information. Requires marriage records and divorce and annulment reports to include the age and race of the parties. Divorce and annulment reports must also contain the number of minor children involved. This bill also requires the State Registrar of Vital Records to compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments that occur each year in the Commonwealth from 2000 forward. The data shall be organized according to

the locality in which the marriage license is issued or in which the divorce or annulment report is certified, and shall include but not be limited to information regarding age and race of the parties. The data on divorce and annulments shall also include information regarding the number of minor children involved. The State Registrar is required to post, update, and maintain this information on the Department of Health website. Names, addresses, social security numbers, and any other personal identification information shall not be included. This is a recommendation from the Virginia Commission on Youth.

Patron - Blevins

[P]SB1132 Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease. The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds. This bill is identical to HB 2519.

Patron - Howell

[P]SB1143 Public Benefits; proof of legal presence. Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence. This bill is identical to HB 1798.

Patron - Hanger

[P]SB1145 State Emergency Medical Services Advisory Board. Increases the State Emergency Medical Services Advisory Board from 25 to 28 members appointed by the Governor. The change reflects the increase in the number of regional emergency medical services councils. This bill is identical to HB 2522.

Patron - Deeds

[P]SB1146 Statewide Emergency Medical Services Plan; additional programs. Amends the objectives of the Statewide Emergency Medical Services Plan by striking the now defunct registration program for automated external defibrillators and establishing new objectives including the identification and establishment of best practices for managing and operating agencies and improving and managing emergency medical response times as well as the establishment of (i) a process for crisis intervention and peer support services

for emergency medical services and public safety personnel; (ii) a statewide emergency medical services for children program; (iii) a statewide system of health and medical emergency response teams; and (iv) a program to improve dispatching of emergency medical services. The bill further provides that the Board of Health's Statewide Emergency Medical Services Plan may be posted on the Department of Health's website to satisfy the publication requirement.

Patron - Deeds

[P]SB1184 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its report, Newborn Screening: Toward a Uniform Screening Panel and System. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, where the victim was exposed to the body fluids of the person arrested., Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. This bill is identical to HB 1824.

Patron - Puller

[P]SB1194 Christopher Reeve Stem Cell Research Fund. Establishes a special nonreverting, revolving and permanent fund for the support of stem cell research in honor of Christopher Reeve. The Fund will be used to support medical and biomedical stem cell research conducted in Virginia institutions of higher education relating to the causes and cures of disease, including, but not limited to, paralysis caused by spinal cord injury, diabetes, cancer, heart disease, and neurological disorders, such as Lou Gehrig's disease. No moneys from the Fund may be provided to any entity that conducts human stem cell research from stem cells obtained from human embryos, or for conducting such research; however, research conducted using stem cells other than embryonic stem cells may be funded. The Fund will consist of appropriations, gifts, grants, and donations from public or private sources, will be administered by the Commonwealth Health Research Board (an existing board with appropriate expertise), will not require matching funds from the institutions, and may be used to support stem cell research that is not eligible for federal research funds through the National Institutes of Health.

Patron - Potts

[P]SB1203 Charge for copying health records. Distinguishes between the charges that may be levied by a health care provider (also referred to as "health care entity") for copies of health records when the patient requests his own health records and the records are subpoenaed or otherwise requested by a third party. The patient (individual who is the subject of the record) will be charged "a reasonable cost-based fee" that will only include costs of supplies and labor, postage, and preparation of any summary of the information. Current charges authorized for copies in anticipation of litigation or in the course of litigation will not apply to patients requesting their own records. This bill is identical to HB 2515.

Patron - Mims

[P]SB1278 Health; availability of certain data on clinical drug trials. Requires the Secretary of Health and Human Resources to make available on the appropriate state health-related websites, information directing citizens to publicly available information on clinical drug trials and other clinical studies. This bill is identical to HB 2831.

Patron - Reynolds

[P]SB1296 Certain information on shaken baby syndrome required. Requires information on shaken baby syndrome to be made available to maternity patients by nurse midwives and hospitals with maternity services.

Patron - Wampler

[P]SB1344 Wheelchair interfacility transport services and vehicles; emergency medical services. Exempts wheelchair interfacility transport services and wheelchair interfacility transport service vehicles from regulation under the emergency medical services law. Currently, a license must be obtained by the service and a permit must be obtained for the vehicle. Wheelchair interfacility transport services and wheelchair interfacility transport service vehicles are the entities engaged in the business, service, or regular activity, whether or not for profit, of transporting wheelchair-bound passengers between medical facilities in the Commonwealth. The bill requires such services and vehicles to comply with DMAS regulations regarding the transportation of Medicaid recipients to covered services.

Patron - Lucas

[P]SJ335 Limiting access to medications easily abused by minors. Encourages the retailers of Virginia to take voluntary steps to limit access to medications containing the drug Dextromethorphan (DXM) that are easily abused by minors.

Patron - Mims

[P]SJ352 Palliative care. Encourages Virginia's health care community to increase the education and training of health care professionals in the techniques and benefits of palliative care, and patient awareness regarding palliative care as a treatment component, in order to improve the overall quality of life for those suffering from chronic conditions to more effectively and efficiently treat the growing population of citizens suffering from chronic illnesses. This resolution is identical to HJR 605.

Patron - Lambert

[P]SJ363 Feasibility of information distribution by Mission of Mercy. Encourages the Department for the Aging, the Department of Medical Assistance Services, and the Department of Health to consult with the Virginia Dental Association and the Virginia Health Care Foundation on the feasibility of using the Mission of Mercy program to disseminate information concerning prescription assistance programs and Medicare prescription drug discount cards. This resolution is identical to HJR 702.

Patron - Martin

Failed

[F]HB1662 Notification to parents of certain health services to minors. Requires any state or local government agency employee who provides services to a minor, relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian

or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service.

Patron - Lingamfelter

[F]HB1677 Report of fetal death by mother; penalty. Provides that when a fetal death occurs without medical attendance, it shall be the woman's responsibility to report the death to the proper law-enforcement agency within 12 hours of the delivery. Violation of this section shall be punishable as a Class 1 misdemeanor.

Patron - Cosgrove

[F]HB2039 Statewide Emergency Medical Services Plan. Adds several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health. These requirements include establishing and maintaining (i) a process for crisis intervention and peer support services for emergency medical services and public safety personnel, (ii) a statewide emergency medical services for a children's program, (iii) a statewide system of health and medical emergency response teams, and (iv) a program to improve dispatching of emergency medical services. The bill also deletes an obsolete cross-reference relating to automated external defibrillators. This bill has been incorporated into HB 2253.

Patron - Hamilton

[F]HB2040 Health; immunization of children against certain diseases. Requires that children who have not received immunization against varicella zoster (chicken pox) receive such immunization prior to entering sixth grade.

Patron - Hamilton

[F]HB2070 Use of name on birth certificate. Provides that the surname entered on the birth certificate must be the name by which a child is identified for all purposes, except as may be agreed to by the child's natural mother and father.

Patron - Hogan

[F]HB2081 Home care organizations; exemption. Exempts home-based and adult foster care services retained by local boards of social services for individuals in need of such services from the licensing requirements for home care organizations, provided the local board certifies to the Department of Social Services that the person providing such services meets the regulatory standards adopted by the State Board of Social Services. The provisions of the bill will sunset on July 1, 2008.

Patron - Watts

[F]HB2104 Long-term care preadmission screenings. Provides that nurses, social workers, and physicians who are employees of a local area agency on aging may be part of the team to conduct Medicaid nursing home preadmission screenings. Employees of the Department of Health, the local department of social services or local area agency on aging may not participate in screenings in which they could become the service provider.

Patron - McQuigg

[F]HB2125 Consumer-directed and nurse-delegated medical care. Requires the Department of Medical Assistance Services to amend current waiver programs authorized by the Centers for Medicare and Medicaid Services to allow for the provision of consumer-directed and nurse-delegated services where possible and appropriate.

Patron - Eisenberg

[F]HB2148 Strategy to address the lack of appropriate mental health treatment among Virginia's children. Requires the Departments of Education; Health; Health Profes-

sions; Juvenile Justice; Medical Assistance Services; Mental Health, Mental Retardation, and Substance Abuse Services; and Social Services to develop, by July 1, 2006, the children's mental health treatment strategy. The strategy shall include increased funding for Medicaid and FAMIS; group home licensure requirements; adequate home health and mental health professionals; assurances that parents will not have to relinquish custody to obtain treatment for their children; increased services; and the identification and return home of children placed in foster care to obtain treatment. The strategy must be published on state web sites, as appropriate.

Patron - Amundson

[F]HB2235 Health; vaccination of children against tetanus. Requires children to receive a second dose of tetanus vaccine at age 11 to 12 years if at least five years have elapsed since the last dose of tetanus vaccine.

Patron - O'Bannon

[F]HB2239 Statewide Emergency Medical Services Plan; publication; training and best practices. Amends the requirements for the Statewide Emergency Medical Services Plan prepared by the Board of Health to include (i) publishing the Plan; (ii) expanding the availability of paramedic and advanced life support training; and (iii) identifying and establishing best practices for managing and operating emergency medical services agencies, improving and managing emergency medical response times, and disseminating certain information. The bill also deletes an obsolete cross reference to automated external defibrillators. This bill has been incorporated into HB 2253.

Patron - O'Bannon

[F]HB2252 State Emergency Medical Services Advisory Board. Increases the State Emergency Medical Services Advisory Board from 25 to 27 members appointed by the Governor. The change reflects the increase in the number of regional emergency medical services councils. The bill decreases from two to one the number of representatives of the Virginia Association of Volunteer Rescue Squads, Inc. The bill contains technical amendments.

Patron - Bell

[F]HB2281 Health; prescription drug purchasing option. Directs the Department of Medical Assistance Services, in consultation with the Office of the Attorney General and the Executive Director of the Board of Pharmacy, to evaluate and permit the implementation of, if feasible and cost effective and consistent with federal law and regulation, a process for purchasing reduced-cost prescription drugs from Canada in order to lower pharmacy costs for citizens of the Commonwealth. The Department may consult with the federal Food and Drug Administration and other federal officials in conducting such evaluation and shall examine the relevant federal regulations concerning both the legality and safety of importation of drugs from Canada prior to implementing any such importation program.

Patron - Spruill

[F]HB2296 Comprehensive Services Act; medical assistance services. Mandates services to seriously emotionally disturbed children whose custody would otherwise have to be relinquished or entrusted by their parents or guardians to local social services agencies in order to receive needed mental health services, and whose parents or guardians cannot pay for such services as determined using ability-to-pay procedures and criteria established by the Office of Comprehensive Services. The bill directs the Director of the Department of Medi-

cal Assistance Services to develop and apply for a waiver to get Medicaid coverage for such services.

Patron - Fralin

[F]HB2317 Home care organizations. Establishes minimum qualifications for home attendants performing home health, pharmaceutical, or personal care services for licensed home care organizations. The bill also prohibits the Board of Health from imposing geographic limitations on the service delivery area for home care organizations.

Patron - Griffith

[F]HB2348 Health; prescription drug purchasing option. Directs the Governor to implement a process for purchasing reduced-cost prescription drugs from Canada in order to contain pharmacy costs in the interest of providing the citizens of the Commonwealth with a future that includes affordable health care. The Governor must take all steps necessary for the Commonwealth to join in participating with the states of Illinois, Wisconsin, Kansas, and Missouri in the I-SaveRx program, a program for purchasing lower-cost drugs from Canada that has already developed numerous measures to ensure the quality and safety of the imported drugs.

Patron - Marshall, R.G.

[F]HB2361 Board of Health; nursing home standards. Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period. The Board must also adopt regulations defining direct care services and establishing procedures for quarterly reporting.

Patron - Watts

[F]HB2499 Health; reporting requirement for hepatitis C. Provides that any physician practicing in the Commonwealth must report to the local health department the identity of any patient who has tested positive for exposure to hepatitis C.

Patron - Amundson

[F]HB2511 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its 2004 report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill has been incorporated into HB 1824.

Patron - Welch

[F]HB2543 Licensed physician assistants; forms and certificates. Provides that licensed physician assistants may

sign various forms and certificates, and provide medical information or treatment in certain situations, including situations involving the immunization of children, examination of persons suspected of having tuberculosis, prenatal tests, nursing homes, release of certain privileged medical information, competency for driver licenses, release of certain veterinary records, and assisted living facilities. The bill also provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it will be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant. Enactment clauses provide that: (i) the Board of Medicine must promulgate emergency regulations, i.e., within 280 days of enactment, with the amendments requiring the physician assistants' authority for signatures, certifications, stamps, verifications, affidavits, and endorsements to be included in the written protocol between the supervising physician and the physician assistant; and (ii) that tanning facility signs will be updated in compliance with the new law when posted or replaced after the effective day of the act.

Patron - Jones, S.C.

[F]HB2714 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS) to assist eligible elderly and disabled Virginians in paying for prescription drugs to work in coordination with the new federal Medicare program. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level, as set forth in the appropriation act. They must also be age 65 or older or eligible for Federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit at the time they are to be enrolled in the program, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a copayment for each prescription, which will not exceed 25 percent of the cost, but will be no less than \$5. Money to pay the claims will come from the newly established Prescription Assistance Fund. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Morgan

[F]HB2751 Health; prescription drug purchasing option. Directs the Governor, immediately upon the issuance of a waiver template or process by the federal Secretary of Health and Human Services, to apply for a waiver to establish a mechanism for purchasing reduced-cost prescription drugs from Canada and other countries. The Governor must, in the exercise of his substantial powers under state law, take all steps necessary for the Commonwealth to join in participating with

the states of Illinois, Michigan, Iowa, and Minnesota in the I-SaveRx program, a program for purchasing lower-cost drugs from Canada and other countries that has already developed numerous measures to ensure the quality and safety of the imported drugs. The Governor may, when appropriate, sign a memorandum of understanding for Virginia to participate in the I-SaveRx program.

Patron - Miller

[F]HB2784 Licensure of abortion clinics; penalties. Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers effective July 1, 2005. The bill also places proposed and existing abortion clinics under the certificate of public need (COPN) law after July 1, 2005. Existing abortion clinics will be required to apply annually to the Board of Health to obtain an exemption by providing a rationale for being excluded. The Commissioner of Health will determine whether existing abortion clinics have demonstrated sufficient cause to be excluded from the COPN requirements according to certain criteria. The Commissioner is also empowered to deny, suspend or revoke the license upon finding the clinic is in violation of state or federal law or regulations.

Patron - Reid

[F]HB2801 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its 2004 report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill has been incorporated into HB 1824.

Patron - Plum

[F]HJ695 Multistate Medicaid pooling arrangement. Requests that the Department of Medical Assistance Services join a multistate Medicaid pooling arrangement in order to reduce prescription costs.

Patron - Petersen

[F]HJ716 Health; evidence-based practice guidelines for prenatal care. Encourages the Virginia Section of the American College of Obstetricians and Gynecologists, the Virginia Chapter of the American College of Nurse Midwives, the Virginia Chapter, American Academy of Pediatrics, and The Virginia Pediatric Society to promote among their members the use of nationally recognized and evidence-based guidelines on the care of pregnant women.

Patron - Pollard

[F]SB702 Medical assistance services; medically needy. Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100 percent of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.

Patron - Reynolds

[F]SB715 Board of Health regulations; guidelines for staffing of nursing homes. Requires the Board of Health, in its licensure regulations, to establish staffing guidelines for nursing homes and certified nursing facilities to ensure the delivery of quality care that shall establish a minimum of three and one-half hours of direct care services per resident per 24-hour period. The provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the general appropriations act.

Patron - Edwards

[F]SB724 Family councils in nursing homes. Clarifies the right of any nursing home resident, member of a resident's family, or resident's legal representative to establish a family council whereby a resident's family members and friends may confer in private without facility staff present. Further, a nursing home facility must provide meeting space at reasonable times and locations within the facility.

Patron - Edwards

[F]SB742 Medical assistance; employer information. Requires the Department of Medical Assistance Services to collect from the Department of Social Services any available information regarding full- or part-time employment of any applicant for health care benefits under public health programs, such as Medicaid, the Family Access to Medical Insurance Security Plan, and the State/Local Hospitalization Program. The Department of Medical Assistance Services will prepare and submit a summary to the Governor and the General Assembly of statistical data on the full- and part-time employment of applicants for public health programs and the costs of the beneficiaries' health care to Virginia, which will classify Virginia employers by categories, as determined by the Director. No personal identifiers will be included in the summary for the beneficiaries or the employers.

Patron - Miller

[F]SB744 Health; working conditions of certified nurse aides. Enables the nonprofit organization established by the Department of Medical Assistance Services, in the exercise of its responsibility to provide on-site training, assistance, and other services to promote the quality of care, and as an adjunct to training needed to become certified as a nurse aide, to provide training to direct service workers in long-term care settings with emphasis on practical strategies, care interventions, and timely referrals to medical professionals. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.

Patron - Miller

[F]SB839 Regulation of abortion clinics. Requires the regulation of abortion clinics as a category of outpatient surgical hospital and sets forth the requirements for the licensure of abortion clinics in a new article. Abortion clinics will not be required to comply with certificate of public need requirements or health care data reporting. The provision becomes effective on January 1, 2006. The Board of Health must promulgate

emergency regulations that include licensure fees for abortion clinics in an amount calculated to cover only the costs of the regulation required in this act.

Patron - Cuccinelli

[F]SB861 Reporting of tuberculosis strains with antimicrobial drug susceptibilities. Removes the option of submitting to the local health director a report of antimicrobial drug susceptibilities performed by a laboratory certified to perform such testing in lieu of submitting a representative and viable sample of initial cultures positive for tubercle bacilli to the Virginia Division of Consolidated Laboratory Services. The bill requires that the Virginia Division of Consolidated Laboratory Services establish a library of isolates from persons with active tuberculosis disease for the purpose of disease strain analysis as indicated by epidemiological investigations.

Patron - Howell

[F]SB951 Location or relocation of a pharmaceutical manufacturing company in the Commonwealth; production of influenza vaccine. Directs the Governor to stimulate the location or relocation of a pharmaceutical manufacturing facility to the Commonwealth, particularly a company that produces or plans to produce influenza vaccine. The Governor must direct the Secretaries of Commerce and Labor, Health and Human Resources, and Finance to assist him in this endeavor. The Governor is required to use his vast powers and resources to leverage the location or relocation of a pharmaceutical manufacturing facility, including, but not limited to, all relevant Virginia tax benefits, economic development mechanisms and partnerships, local government aspirations, and cooperative investment arrangements within his purview.

Patron - Potts

[F]SB1060 Motor medics pilot program. Creates a motor medics pilot program in the South Hampton Roads area. The program shall implement the use of motorcycles as a type of emergency medical services vehicle with the objective of reducing response time of emergency medical services personnel to emergencies.

Patron - Lucas

[F]SB1191 Virginia Indoor Clean Air Act; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions to the smoking prohibition are provided for (i) private homes, private residences, and private automobiles, unless used as or in the operation of any establishment or facility in which smoking is prohibited; (ii) private functions; hotel, or motel rooms clearly designated as "smoking" rooms; (iii) hotel or motel rooms clearly designated as "smoking" rooms so long as such rooms do not exceed 25 percent of the total accommodations within the establishment that are offered for lease or rent to the public; (iv) bar or lounge areas separately enclosed from any establishment in which smoking is prohibited; (v) specialty tobacco stores; and (vi) private separately enclosed office or work areas that are not entered by the general public in the normal course of business or use of the premises unless a person who works in such private separately enclosed office or work area objects to smoking in such area. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited after having been asked to refrain from smoking will be subject to a civil penalty of not more than \$100. Civil penalties of \$250 will be levied for subsequent offenses. Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense

and \$500 for subsequent offenses. Any law enforcement officer may issue a summons regarding a violation of this law. The Board of Health and the Commissioner of Labor and Industry will jointly promulgate regulations to enforce these requirements and must annually report on their enforcement efforts by January 15, beginning in 2006. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted has the right to prohibit smoking and that any principal or other administrator of an educational facility may adopt smoking prohibitions that are more stringent, including restrictions on smoking in areas on the facility's campus that are not enclosed; that signs will not be required on private homes or residences or private vehicles; and that the new chapter must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any establishment, building, or area or by other applicable law. Enactment clauses repeal the present title relating to counties, cities, and towns and postpone the effective date for prohibiting smoking in such bars and lounges that are not separately enclosed from other establishments until July 1, 2006, and authorize, until such time, smoking in bars and lounges to the same extent as allowed under present law or ordinances.

Patron - Mims

[F]SB1208 Patient protections; safety. Requires the Department of Health (i) to establish a confidential toll-free hotline for reports on patient safety and quality of patient care in hospitals, nursing homes, and certified nursing facilities that may be made anonymously or in the name of any health care provider or consumer; (ii) respond to complaints and provide a concise description of any action taken pursuant to the complaint; and (iii) prohibits retaliation against complainants. The bill also requires facilities to develop, implement, and assure compliance with a patient safety plan and to submit the patient safety plan to the Department of Health prior to the date of license renewal. All facilities and all physicians are required to report serious medical errors to the patient who was the subject of the error and to the Board of Medicine. The facilities must require medical error reports from physicians with practice privileges, or having contracts with or who are employed by the facilities, which must be, in turn, reported to the Board of Health. The Board of Health must require that the reports of serious medical errors received by hospitals, nursing homes, and certified nursing facilities be submitted to the patient-level database. The bill also prohibits alteration, destruction or discarding of an individual's health record in an effort to conceal any serious medical error. Any physician of medicine, osteopathy, or podiatry found liable in three or more medical malpractice suits in a three-year period will be investigated to determine whether he is violating the regulatory law and should be the subject of a license revocation proceeding. The Director of the Department of Health Professions is authorized to provide a summary of any action taken as a result of a complaint to the complainant.

Patron - Mims

[F]SB1211 Health; working conditions of certified nurse aides. Directs the nonprofit organization, established by the Department of Medical Assistance Services to provide on-site training, assistance, and other services to promote the quality of care in nursing facilities, to address the working conditions, salary and benefits, and available career pathways for certified nurse aides with emphasis on recruitment and retention. Further, the nonprofit organization must explore possible funding streams for state-certified nurse aide programs, including but not limited to, voluntary tax options.

Patron - Miller

[F]SB1246 Health; prescription drug purchasing option. Directs the Governor, immediately upon the issuance

of a waiver template or process by the federal Secretary of Health and Human Services, to apply for a waiver to establish a mechanism for purchasing reduced-cost prescription drugs from Canada and other countries.

Patron - Reynolds

[F]SB1247 Health; recovery of overpayment for medical assistance services. Provides that the Director of Medical Assistance Services must issue an informal fact-finding conference decision in appeals from agency determinations concerning provider reimbursement. Further, the timelines for notification to providers of Medicaid overpayment are revised to require issuance of the notice within the earlier of (i) four years after payment of the claim or other payment request, (ii) four years after filing by the provider of a complete cost report, or (iii) fifteen months after filing by the provider of the final complete cost report.

Patron - Bolling

[F]SB1295 Reporting of nosocomial infection rates. Requires the Board of Health to develop a procedure whereby aggregate information on each hospital's nosocomial infection rates, without patient identifiers, may be (i) collected and reported using the surveillance components and the methodology as then currently required for such reports by the Centers for Disease Control and Prevention pursuant to the National Nosocomial Infection Surveillance System, and (ii) filed in the hospital's licensure records within the Department. The Board's procedure must authorize release of such information to the public, upon request.

Patron - Reynolds

Highways, Bridges and Ferries

Passed

[P]HB1656 Ronald Wilson Reagan Memorial Highway. Designates Virginia Route 234 in Prince William County between U.S. Route 1 and Interstate Route 66 the "Ronald Wilson Reagan Memorial Highway."

Patron - Lingamfelter

[P]HB1705 Manville Veterans Memorial Bridge. Designates the Virginia Route 665 bridge over Copper Creek in Scott County the "Manville Veterans Memorial Bridge."

Patron - Kilgore

[P]HB1708 Joe D. Meade Bridge. Designates the new pedestrian bridge over Virginia Route 71 at Nickelsville in Scott County, connecting the Nickelsville Elementary School and Keith Memorial Park, the "Joe D. Meade Bridge."

Patron - Kilgore

[P]HB1891 Junkyards. Amends the definition of "automobile graveyard" to provide that a facility is an "automobile graveyard" even if the vehicles stored there are rearranged within the existing lot.

Patron - Carrico

[P]HB1893 Deputy Cliff Dicker Memorial Highway. Designates the Virginia Route 100 in Wythe County the "Deputy Cliff Dicker Memorial Highway."

Patron - Carrico

[P]HB1931 Recreational access funding limits. Clarifies limitations on expenditures for recreation access projects.

Patron - Shannon

[P]HB1972 Northern Virginia Transportation District Program. Allocates funding to the Route 28/Sterling Boulevard interchange in Loudoun County.

Patron - Black

[P]HB2013 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004, additional road mileage in Patrick County. This bill is identical to SB 740.

Patron - Armstrong

[P]HB2020 Use of steel plates in highway repairs. Requires any person using steel plates in connection with highway repairs to follow VDOT standards as to warnings and markings.

Patron - Welch

[P]HB2049 Virginia Capital Trail. Designates the bicycle and pedestrian transportation facilities within the Virginia Route 5 corridor between the City of Richmond and Jamestown the "Virginia Capital Trail." This bill is identical to SB 1033.

Patron - Miles

[P]HB2067 Chesapeake Bay Bridge and Tunnel Commission. Provides that a member performing "extraordinary duties" may receive compensation for those duties. This provision expires January 1, 2006, and contains an emergency clause. This bill is identical to SB 1261.

Patron - Lewis

[P]HB2068 Free use of certain toll facilities. Allows free use of toll facilities by law-enforcement officers of the Virginia Marine Resources Commission. This privilege does not extend to the Chesapeake Bay Bridge-Tunnel or facilities controlled by the Richmond Metropolitan Authority.

Patron - Lewis

[P]HB2084 Commonwealth Transportation Board. Clarifies the roles of the Commonwealth Transportation Board and local governing bodies when the latter administer VDOT-financed projects. The bill also corrects obsolete cross-references.

Patron - Watts

[P]HB2298 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the Mennel Milling Company, with the land to be acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill is identical to SB 887.

Patron - Fralin

[P]HB2336 William H. Hume and Jean Emmons McCarty Hume Memorial Bridge. Designates the Virginia Route 688 bridge across Carter's Run, South, near Hume the "William H. Hume and Jean Emmons McCarty Hume Memorial Bridge."

Patron - Athey

[P]HB2400 The Crooked Road. Extends "The Crooked Road" (designated in 2004) from Clintwood through Haysi to Breaks Interstate Park.

Patron - Phillips

[P]HB2554 Interstate Route 81 Safety Taskforce. Requires that the Commonwealth Transportation Commissioner establish an Interstate Route 81 Safety Advisory Com-

mittee within each highway construction district wherein any portion of Interstate Route 81 is located.

Patron - Cline

[P]HB2576 H. Paul Buskell Memorial Bridge. Designates the U.S. Route 460 Cedar Bluff bypass bridge over the Clinch River the "H. Paul Buskell Memorial Bridge."

Patron - Stump

[P]HB2578 VDOT resident engineers. Replaces references to VDOT "resident engineers" with "representatives of the Department" and similar terms. Other technical corrections are also made.

Patron - Stump

[P]HB2596 Rail Partnership Fund and Rail Advisory Board. Establishes the Rail Advisory Board and changes the name of the Railway Preservation and Development Fund to the Rail Partnership Fund, and dedicates to this Fund a portion of the tax on motor vehicle rentals.

Patron - May

[P]HB2605 Use of federal "transportation enhancement" grants by CTB. Provides that the Commonwealth Transportation Board shall, in accordance with federal law and guidelines for projects qualifying as "transportation enhancements," take such measures as may appear necessary or convenient to consider projects that will (i) address improvements to highway rest areas and welcome centers and (ii) accommodate anticipated quadricentennial tourism in Virginia.

Patron - Landes

[P]HB2763 Transportation projects. Authorizes the Commonwealth Transportation Board, by and with the consent of the Governor, to issue from time to time revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, Series," provided that the aggregate principal amount outstanding at any time shall not exceed \$1.2 billion plus an amount for financing expenses. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs, incurred or to be incurred, for construction or funding of projects listed in the Six-Year Improvement Program as may be adopted from time to time by the Commonwealth Transportation Board.

Patron - Wardrup

[P]HB2793 Transportation Partnership Opportunity Fund. Creates the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to encourage the development of design-build transportation projects, projects under the Public Private Transportation Act (§ 56-556 et seq.) and to provide funds to address the transportation aspects of economic development opportunities. Under the bill, the Commonwealth Transportation Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria to be used in awarding grants or making loans from the Fund.

Patron - Wardrup

[P]HB2856 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004.

Patron - Dudley

[P]HB2905 Willard Owens Memorial Highway. Designates Virginia Route 609 in Buchanan County the "Willard Owens Memorial Highway."

Patron - Stump

[P]HB2938 Michael Todd Blanton Memorial Bridge. Designates the Gaskins Road bridge over Interstate Route 64 in Henrico County the "Michael Todd Blanton Memorial Bridge."

Patron - O'Bannon

[P]HJ709 I-81 corridor multi-state transportation planning initiative. Urges Congress to encourage the primary states served by the Interstate Route I-81 corridor to adopt a multi-state transportation planning initiative to (i) study, develop, and promote a plan for the design, construction, financing, and operation of optimal freight and passenger transportation facilities in the I-81 corridor; (ii) coordinate efforts to establish the least costly and most efficient combination of transportation infrastructure development; (iii) coordinate and require joint planning between the Virginia Department of Transportation and the departments of transportation of the other states; and (iv) seek and provide funding and resources for innovative and appropriate passenger and freight transportation improvement concepts. This resolution is identical to SB 778.

Patron - Cline

[P]HJ819 Lift schedule of "Steel Bridge" in Chesapeake. Urges the United States Coast Guard to maintain the Memorial Day to Labor Day lift schedule at the Rt. 17 South/Dominion Boulevard "Steel Bridge" over the Elizabeth River.

Patron - Cosgrove

[P]SB740 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004, additional road mileage in Patrick County. This bill is identical to HB 2013.

Patron - Reynolds

[P]SB778 Interstate Route 81 Corridor Multistate Transportation Planning Initiative. Provides for the establishment of the Interstate Route 81 Corridor Multistate Transportation Planning Initiative. This bill is identical to HJR 709.

Patron - Potts

[P]SB813 Integrated Directional Sign Program. Requires the Commonwealth Transportation Board (CTB) to establish reasonable fees to be collected from qualified entities for participating in the Integrated Directional Sign Program (IDSP). These fees are to be deposited into a special fund used solely to defray the actual costs of supervising and administering the program. Included in these costs shall be a reasonable margin, not to exceed ten percent, in the nature of a reserve. The bill also requires the CTB to report no later than August 1, 2005, on the actions it has taken relative to adjusting fees as a result of the bill. The Department of Transportation is also directed to review (i) the feasibility and desirability of auctioning certain travel services (logo) signs for which there are more businesses interested in locating on the sign than there is space to accommodate and (ii) concerning Gas Category I, a change from 16 hours per day to 24 hours per day. The results of this review are to be reported to the Senate and House Transportation Committees no later than August 1, 2005. This bill incorporates SB 1254.

Patron - Williams

[P]SB837 King Family Memorial Bridge. Designates Bridge Number 264 on the Route 260 Connector as the "King Family Memorial Bridge."

Patron - Quayle

[P]SB887 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the

Mennel Milling Company, with the land to be acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill is identical to HB 2298 and incorporates SB 748.

Patron - Bell

[P]SB919 G. A. Treacle Memorial Bridge and T. Ray Hassell, III Memorial Highway. Designates the I-64 High Rise Bridge as the "G. A. Treacle Memorial Bridge" and the Route 168 Great Bridge Bypass as the "T. Ray Hassell, III Memorial Highway."

Patron - Blevins

[P]SB929 Blue Star Memorial Highway. Designates the entire length of U.S. Route 1 in Fairfax County the "Blue Star Memorial Highway."

Patron - Puller

[P]SB944 H. Paul Buskell Memorial Bridge. Designates the U.S. Route 460 Cedar Bluff bypass bridge over the Clinch River the "H. Paul Buskell Memorial Bridge."

Patron - Puckett

[P]SB985 Highway construction; advance of funds by counties. Provides that if funding for the construction of a primary or interstate project is scheduled in the Commonwealth Transportation Board's Six-Year Improvement Program as defined in § 33.1-12, a locality may choose to advance funds to the project. The bill further provides that if such an advance is offered, the Board may consider such request and agree to such advancement and the subsequent reimbursement of the locality of the advance, in accordance with terms agreed upon by the Board and the locality.

Patron - Watkins

[P]SB1033 Virginia Capital Trail. Designates the bicycle and pedestrian transportation facilities within the Virginia Route 5 corridor between the City of Richmond and Jamestown the "Virginia Capital Trail." This bill is identical to HB 2049.

Patron - Lambert

[P]SB1261 Chesapeake Bay Bridge and Tunnel Commission. Provides that a member performing "extraordinary duties" may receive compensation for those duties. This provision expires January 1, 2006, and contains an emergency clause. This bill is identical to HB 2067.

Patron - Rerras

[P]SB1297 80th U.S. Army Reserve Division Highway. Designates portions of several highways south of Richmond as the "80th U.S. Army Reserve Division Highway."

Patron - Wampler

Failed

[F]HB1526 VDOT noise abatement policies. Provides that whenever (i) there is a conflict between published noise abatement policies of the Department and those published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto or (ii) the noise abatement policy of the Department is silent as to a situation or circumstance covered by a policy published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto, the provisions of the federal policy shall be controlling. The provisions of the bill apply to all highways and highway

maintenance or construction projects, regardless of federal funding or the lack of such federal funding.

Patron - Frederick

[F]HB1527 Audits of Virginia Department of Transportation. Requires that, beginning July 1, 2005, and at least once every two years thereafter, the Commonwealth Transportation Commissioner must accept contract proposals from private companies for the purpose of conducting thorough, comprehensive, and independent audits of the Department of Transportation. The major purpose of any such audit will be to ensure that taxes and fees dedicated to transportation purposes are actually expended for transportation infrastructure construction, improvement, and maintenance, and are not wasted on unnecessary and unproductive bureaucracy.

Patron - Frederick

[F]HB1528 HOV facilities. Bars trucks and tractor-trailer combinations from HOV facilities, except for vehicles of public utility companies operating in response to emergency calls.

Patron - Frederick

[F]HB1531 High-occupancy vehicle (HOV) facilities. Permits law enforcement vehicles to use HOV facilities only when responding to an emergency call or in an emergency situation, unless occupied by the otherwise required minimum number of occupants.

Patron - Frederick

[F]HB1537 Town of Dumfries; construction of debris barrier. Authorizes the Town of Dumfries to use I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction are to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

Patron - Frederick

[F]HB1548 Special revenue sharing funds for certain towns; highway maintenance and construction funding. Authorizes the establishment of special revenue sharing funds for towns, similar to those authorized under § 33.1-75.1 for counties, to aid in highway projects undertaken jointly by towns and adjoining counties. Allocations by the Commonwealth Transportation Board would be made "off the top" of other allocations to match up to \$500,000 in town general funds. Operation of these funds would parallel those established for counties. This bill has been incorporated into HB 2330.

Patron - Scott, E.T.

[F]HB1574 HOV lanes. Limits use of high-occupancy vehicles (HOV) lanes by law-enforcement personnel to Virginia State Police vehicles, Virginia sheriff's department vehicles and Virginia local law-enforcement agency vehicles, unless the vehicle is carrying the specified minimum number of occupants.

Patron - Albo

[F]HB1609 Charlottesville bypass. Requires that, if the U.S. Route 29 bypass is not constructed and reimbursement of federal funds expended in connection with that project is required, the amount of such reimbursement shall be deducted from funds allocated or allocable to primary system projects in Charlottesville and Albemarle County, rather than from funds allocated or allocable to the Culpeper Highway Construction District.

Patron - Cole

HB1632 Advertising within highway rights-of-way. Grants the City of Charlottesville the same ability presently granted to Fairfax County to enter into agreements with the Commonwealth Transportation Commissioner for enforcing provisions of § 33.1-373 relating to advertising within highway rights-of-way.

Patron - Van Yahres

HB1650 Transportation bonds; use of surplus revenues to pay debt service. Requires surplus revenue collections, after deposits are made to the Revenue Stabilization Fund and the Water Quality Improvement Fund, to be deposited in the Transportation Trust Fund and used to pay debt service on previously issued transportation bonds.

Patron - Orrock

HB1783 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - BaCote

HB1784 Subdivision street standards. Allows county boards to establish standards for subdivision streets that differ from VDOT standards. If they do so, the amount of money allocated or allocable to the county for secondary system construction is not to be reduced.

Patron - BaCote

HB1825 Town of Dumfries; construction of debris barrier. Authorizes the Town of Dumfries to use the I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction are to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

Patron - Frederick

HB1855 Transportation construction and reconstruction. Specifies actions that must be taken (i) by VDOT prior to undertaking any highway construction or reconstruction project in Northern Virginia if the project involves construction of new traffic lanes or modification of existing lanes (ii) by any state agency in connection with any highway construction or reconstruction project under the Public-Private Transportation Act of 1995.

Patron - Eisenberg

HB1861 Prohibition on transportation of hazardous materials; penalty. Bans transportation of hazardous materials on Virginia Route 674 in Fairfax County between Virginia Route 123 and Virginia Route 606. This bill is identical to SB 997.

Patron - Shannon

HB1954 Highway construction, maintenance, and improvement contracts. Gives the Commonwealth Transportation Commissioner authority to let all contracts for highway construction, maintenance, and improvements up to \$10 million in value instead of the present \$2 million.

Patron - Jones, D.C.

HB2093 Financing of transportation "enhancement" projects. Requires that, in financing "enhancement" projects undertaken using federal grants to homeowners associations, no more than two percent of any such grant can be spent for environmental studies or other studies and activities preliminary to construction.

Patron - Hugo

HB2099 Transportation Investment Act. Provides long-term funding of transportation projects throughout the Commonwealth by dedicating all insurance license tax revenues for such purpose. The Commonwealth Transportation Board is authorized to issue revenue bonds using no more than one-third of the insurance license tax revenues for debt service on the bonds. The amount of insurance license tax revenues not used for debt service, plus the proceeds of the bonds, are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board. This bill has been incorporated into HB 2771.

Patron - Hugo

HB2133 Tolls; motorcycles. Allows motorcycles toll-free use of VDOT-controlled toll facilities.

Patron - Gear

HB2224 Transportation construction and maintenance. Revises Virginia's transportation construction and maintenance allocation system in accordance with recommendations made by the Joint Legislative Audit and Review Commission to the 2002 Session of the General Assembly.

Patron - Rust

HB2226 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled weighted 25 percent, and population weighted 60 percent.

Patron - Rust

HB2229 Reimbursement by localities of certain transportation expenses. Provides that if the Commonwealth expends funds for the design of transportation improvements and the locality in which the improvements are located subsequently decides that it is opposed to proceeding with the improvements, the locality shall reimburse the Commonwealth for the amount expended.

Patron - Rust

HB2307 Logo sign program; emergency. Requires the Virginia Department of Transportation and the Commonwealth Transportation Board to take immediate action to make two specific changes to the "bumping policy" associated with the Department's Integrated Directional Signing Program.

Patron - McDougle

HB2322 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle miles traveled per lane-mile.

Patron - Rust

HB2330 Special funds for highway improvements in localities. Expands the present revenue sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$2 million per locality, and the total limit on state funds is raised to \$50 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title

33.1 dealing with overall allocations of highway improvement funds. This bill incorporates HB 1548.

Patron - Athey

HB2355 Highway construction funds; primary system allocations. Allocates primary system construction funds among the nine highway construction districts on the basis of the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district, which is weighted 90 percent, and a primary road need factor, as determined by the Commonwealth Transportation Board, weighted 10 percent.

Patron - Watts

HB2385 Anthony S. and Edna Ridley King Commemorative Bridge. Designates Bridge Number 264 on the Route 260 Connector as the "Anthony S. and Edna Ridley King Commemorative Bridge."

Patron - Barlow

HB2398 Country Music Highway. Requires that signs used to indicate the designation of the Country Music Highway be of such a size and design as to make it possible to add the names of famous bluegrass and traditional country musicians.

Patron - Phillips

HB2403 Virginia Coalfield Coalition Authority. Authorizes the Virginia Coalfield Coalition Authority to issue \$300 million in 9 (d) debt for financing of the Virginia Coalfield Expressway Corridor.

Patron - Phillips

HB2465 Nonconforming billboard signs. Clarifies that signs relating to historic districts and sensitive areas are excluded from the maintenance and repair guidelines of all other nonconforming billboard signs.

Patron - May

HB2589 Port Republic Road. Designates Virginia Route 659, Port Republic Road, as a component of the primary highway system.

Patron - Weatherholtz

HB2592 Highway maintenance, construction, or reconstruction payments to Town of Broadway. Requires the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board, to make payments for maintenance, construction, or reconstruction of highways to the Town of Broadway.

Patron - Weatherholtz

HB2630 Special funds for highway systems in certain counties, cites, and towns; assessment of driver demerit points by the Commissioner of the Department of Motor Vehicles; imposition and collection of civil penalties for certain offenses relating to operation of motor vehicles; and disposition and use of funds collected. Expands the present revenue sharing fund program for counties to include cities and towns as well; raises the annual match limit per locality and the total limit on state funds available for the program. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds. The bill also requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the

posted speed, \$250 for driving while his driver's license was suspended or revoked, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used first to fund competitive matching to localities for highway improvement projects aimed at improving air quality and highway congestion in localities experiencing high population growth and second to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects. Finally, the bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1-9 mph carries three points, 10-14 mph carries four points, 15-19 mph carries five points, and 20 mph or more carries six points.

Patron - Albo

HB2677 Regional pedestrian and bicycle advisory committees. Requires VDOT to establish regional pedestrian and bicycle advisory committees.

Patron - Ebbin

HB2715 Toll facilities. Allows operators of "other emergency equipment" free use of VDOT-controlled toll facilities. This would be in addition to the exemption presently allowed to operators of fire-fighting equipment and ambulances.

Patron - Morgan

HB2736 Dedication, distribution, and management of transportation maintenance and construction funds. Renames the Commonwealth Transit Capital Fund the Transit Partnership Fund and extends the present matching requirements to at least 20 percent of the nonfederal share of the total project cost to cover both project and program costs. The bill establishes the Private Partnership Fund as a nonreverting fund whose proceeds are to make loans in furtherance of projects under the Public-Private Transportation Act of 1995 and establishes the Local Partnership Fund to be used by the Department of Transportation to encourage local management of construction and improvement projects in the state primary, urban, and secondary highway systems. The bill also renames the Railway Preservation and Development Fund the Rail Partnership Fund, and eliminates the present requirement that projects undertaken using the Fund be owned by the Commonwealth upon completion and, instead, limits Fund projects to those that the Director of the Department of Rail and Public Transportation determines will result in public benefits to Virginia that are equal to or greater than the funds required. The bill establishes the nine-member Rail Advisory Board to develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Partnership Fund and advise the Director and the Department of Rail and Public Transportation on other matters at their request. Finally, it also allows "operators" and "responsible public entities," in lieu of entering into comprehensive agreements under the Public-Private Transportation Act of 1995, to enter into development agreements under the terms of which the operator would perform work and receive compensation therefor without committing either party to completing the entire course of improvements otherwise contained in a comprehensive agreement. Finally, the bill requires the Commonwealth Transportation Board to ensure that funds allocated to any construction project are fully allocated and paid off no later than 12 months following completion of the project. This bill has been incorporated into HB 2771.

Patron - Reid

HB2771 Commonwealth Transportation Investment Fund. Creates the Commonwealth Transportation Investment Fund and dedicates to it one-third of all insurance

license tax revenues to be used for transportation projects throughout the Commonwealth. The revenues are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board. This bill incorporates HB 2099 and HB 2736.

Patron - Callahan

[F]HB2847 Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing to the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

Patron - Scott, J.M.

[F]HB2929 Highway construction funds; primary system allocations. Allocates primary system construction funds among the nine highway construction districts on the basis of the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district, weighted 90 percent, and a primary road need factor, as determined by the Commonwealth Transportation Board, weighted 10 percent.

Patron - Hugo

[F]SB701 "Pearl Harbor Memorial Flyway." Designates Interstate Route 95 at the Springfield Interchange in Fairfax County the "Pearl Harbor Memorial Flyway."

Patron - Houck

[F]SB738 Fund to expedite construction of I-73 in Henry County. Establishes a special fund to expedite construction of I-73 in Henry County. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes.

Patron - Reynolds

[F]SB748 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the Mennel Milling Company, with the land acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill has been incorporated into SB 887.

Patron - Edwards

[F]SB750 Rail Transportation Development Authority. Establishes the Rail Transportation Development Authority. The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill also repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority. That act never became effective because it included a "reenactment clause," and the act was not reenacted by the 2004 Session.

Patron - Edwards

[F]SB764 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - Locke

[F]SB775 Abandoning companion animal within highway right-of-way; penalty. Provides a penalty of up to 12

months in jail and a fine of not less than \$250 or more than \$2,500, either or both, for persons who abandon, dispose of, or dump a companion animal within a highway right-of-way.

Patron - Potts

[F]SB797 Allocation of construction funds within secondary system. Provides that secondary road construction funds allocated under § 33.1-23.4 shall be disbursed directly to the county, if so requested by resolution of the governing body. Any county receiving a direct allocation of funds shall certify to the Commonwealth Transportation Board that such funds will be expended exclusively for secondary road projects and according to appropriate standards.

Patron - Watkins

[F]SB802 Fund to expedite improvements to U.S. Route 58 in Carroll, Grayson, and Patrick Counties. Establishes a special fund to expedite construction of improvements to U.S. Route 58 in Carroll, Grayson, and Patrick Counties. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes, or any other state revenue allocated for highway purposes.

Patron - Reynolds

[F]SB812 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - Williams

[F]SB845 Advertising within highway rights-of-way. Grants the City of Charlottesville the same ability presently granted to Fairfax County to enter into agreements with the Commonwealth Transportation Commissioner for enforcing provisions of § 33.1-373 relating to advertising within highway rights-of-way.

Patron - Deeds

[F]SB962 Bob Hiteman Overpass. Designates the overpass connecting the inner loop of the Capital Beltway with Interstate Route 95 at Springfield the "Bob Hiteman Overpass."

Patron - O'Brien

[F]SB993 Special funds for highway improvements in localities. Expands the present revenue sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$5 million per locality, and the total limit on state funds is raised to \$100 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

Patron - Devolites Davis

[F]SB997 Prohibition on transportation of hazardous materials; penalty. Bans transportation of hazardous materials on Virginia Route 674 in Fairfax County between Virginia Route 123 and Virginia Route 606. This bill is identical to HB 1861.

Patron - Devolites Davis

[F]SB1092 Directional Signing Program. Requires the Virginia Department of Transportation and the Commonwealth Transportation Board to immediately revise the schedule of fees imposed on certain businesses for participation in the Department's Integrated Directional Signing Program so that Program participants in economically depressed areas are

required to pay lower fees than participants in more prosperous and affluent portions of the Commonwealth.

Patron - Reynolds

[F]SB1096 Integrated directional sign program. Directs the Commonwealth Transportation Board and the Virginia Department of Transportation to revise the integrated directional sign program to include signs requested by local governing bodies.

Patron - Ruff

[F]SB1254 Fee-based signage programs. Provides that fees shall be collected by the Commonwealth Transportation Commissioner from any qualified entity for the purpose of participating in certain fee-based signage programs. This bill has been incorporated into SB 813.

Patron - Bell

[F]SB1264 HOV lanes. Extends the ability of vehicles bearing clean fuel vehicle license plates to use HOV facilities, regardless of the number of their passengers, for two more years.

Patron - O'Brien

[F]SB1319 PPTA; I-81 improvements. Requires VDOT to forthwith suspend negotiations under the Public-Private Transportation Act of 1995 (PPTA) involving improvements to I-81. No such negotiations are to resume until VDOT is authorized to do so by an act of the General Assembly.

Patron - Hanger

[F]SB1324 Dedication, distribution, and management of transportation maintenance and construction funds. Renames the Commonwealth Transit Capital Fund the Transit Partnership Fund and extends the present matching requirements for at least 20 percent of the nonfilterable share of the total project cost to cover both project and program costs. The bill establishes the Private Partnership Fund as a nonreverting fund in which proceeds are to make loans in furtherance of projects under the Public-Private Transportation Act of 1995 and establishes the Local Partnership Fund to be used by the Department of Transportation to encourage local management of construction and improvement projects in the state primary, urban, and secondary highway systems. The bill also renames the Railway Preservation and Development Fund the Rail Partnership Fund, and eliminates the present requirement that projects undertaken using the Fund be owned by the Commonwealth upon completion and, instead, limits Fund projects to those that the Director of the Department of Rail and Public Transportation determines will result in public benefits to Virginia that are equal to or greater than the funds required. The bill establishes the nine-member Rail Advisory Board to develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Partnership Fund and advise the Director and the Department of Rail and Public Transportation on other matters at their request. Beginning with the 2006-2007 fiscal year, the bill dedicates all revenues from the insurance license tax on automobile premiums to the Priority Transportation Fund. The bill repeals the dedication of one-third of the revenues from the license tax on insurance companies to the Priority Transportation Fund effective July 1, 2005. The bill provides that all moneys in the Transportation Trust Fund, Priority Transportation Fund, and the Highway Maintenance and Operating Fund shall be used for transportation-related purposes and that moneys designated for deposit into the general fund shall not be used for transportation with limited exceptions. The bill also allows "operators" and "responsible public entities," in lieu of entering into comprehensive agreements under the Public-Private Transportation Act of 1995, to enter

into development agreements under the terms of which the operator would perform work and receive compensation therefor without committing either party to completing the entire course of improvements otherwise contained in a comprehensive agreement. Finally, the bill requires the Commonwealth Transportation Board to ensure that funds allocated to any construction project are fully allocated and paid off no later than 12 months following completion of the project. This bill incorporates SB 1325.

Patron - Saslaw

[F]SJ272 Progress Park Industrial Access Road. Requests the Commonwealth Transportation Board to revise its agreement with Wythe County for construction of the Progress Park Industrial Access Road so as to extend until December 18, 2008, the time by which \$6 million in eligible capital outlays must be expended in connection with development of the industrial park served by the road.

Patron - Reynolds

[F]SJ440 Supporting recommendations on a dedicated funding source for the Washington Metropolitan Area Transit Authority. Expresses the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority. The resolution also urges the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.

Patron - Whipple

Homestead and Other Exemptions

Passed

[P]HB1559 Exemptions in bankruptcy; time limitations. Changes the date for setting aside that real or personal property which is exempt from bankruptcy proceedings from on or before the fifth day of the date initially set for the meeting of creditors and equity security holders to on or before the fifth day of the date such meeting is held.

Patron - Sherwood

[P]HB1695 Creditors; retirement benefits exempt. Increases the amount of an individual retirement account, to which an employer does not contribute, that is exempt from the claims of an individual's creditors from an amount sufficient to generate \$17,500 annually to an amount sufficient to generate \$25,000 annually.

Patron - Spruill

[P]HB1714 Garnishment; increasing maximum portion of protected disposable earnings. Increases the amount of a worker's aggregate disposable earnings protected from garnishment. Currently, the amount subject to garnishment may not exceed the lesser of (i) 25 percent of the worker's disposable weekly earnings or (ii) the amount by which his disposable earnings exceed 30 times the federal minimum hourly wage. This bill raises the federal minimum wage multiplier from 30 to 40.

Patron - Kilgore